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NAVAL WEAPONS STATION, SEAL BEACH, DETACHMENT CONCORD  
RESTORATION ADVISORY BOARD

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REPORTER'S TRANSCRIPT OF MEETING

January 6, 2003

Ambrose Community Center  
3105 Willow Pass Road  
Bay Point, California

Reported by Christine M Niccoli, RPR, C.S.R. No. 4569

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CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

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PARTICIPANT

COCHAIRS: THERESA MORLEY - United States Navy  
MARCUS O'CONNELL - Concord resident

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RAB MEMBERS

EVELYN FREITAS - Concord resident

8 ED McGEE - Martinez resident  
9 RAYMOND O' BRIEN - Bay Point resident  
10 IGOR SKAREDOFF - Martinez resident  
11 MARY LOU WILLIAMS - Concord resident  
12 ---o0o---  
13  
14 OTHER ATTENDEES  
15 CLAUDETTE ALTAMIRANO - Weston Solutions, Inc.  
16 AMADO C. ANDAL - United States Navy contractor  
17 CAROL ARNOLD - Contra Costa County Resource Conservation  
District  
18 DAVID BAILLIE - United States Navy  
19 BETH BYRNE - Concord citizen  
20 HARRY BYRNE - Concord citizen  
21 JOANNA CANEPA - Tetra Tech EM Inc.  
22 JOHN CORPOS - Environmental Liaison for US Navy  
23 BOB FREITAS - Concord resident  
24 DAVID GRIFFITH - City of Concord  
25

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1 OTHER ATTENDEES [Cont.]  
2  
3 CAROLYN HUNTER - Tetra Tech EM Inc.  
4 DEAN McLEOD - Contra Costa County Historical Association  
5 LAURENT M MEILLIER - San Francisco Bay Regional Water  
Quality Control Board  
6 MARIO MENESINI - Walnut Creek resident  
7 EMILY PIMENTEL - Tetra Tech EM Inc.  
8 TOM PINARD - United States Navy  
9 PHILLIP RAMSEY - US Environmental Protection Agency  
10 KELLY RYAN - Tetra Tech EM Inc.  
11 PATRICIA RYAN - Calif. Dept. of Toxic Substances Control  
12 JIM TOLAND - Contra Costa County Resource Conservation  
District  
13 ---o0o---

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1 BAY POINT, CALIFORNIA, MONDAY, JANUARY 6, 200

2 7:04 P.M.

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4 MR. O'CONNELL: We always open up with a  
5 welcome and -- and basically introductions. We all  
6 introduce ourselves, and tonight we have a good court  
7 reporter, so that's going to be particularly important  
8 that we do.

9 So my name is Marcus O'Connell, and I'm the  
10 community cochair. And I'll go right to my right here.

11 MS. MORLEY: I'm Theresa Morley. I'm the Navy  
12 cochair.

13 MR. GRIFFITH: I'm David Griffith with the City  
14 of Concord.

15 MS. WILLIAMS: Mary Lou Williams, Concord  
16 resident.

17 MS. FREITAS: Evelyn Freitas, Concord resident.

18 MR. SKAREDOFF: Igor Skaredoff, Martinez  
19 resident.

20 MR. O'BRIEN: Ray O'Brien, Bay Point resident.

21 MR. MCGEE: Ed McGee, Martinez resident.

22 MR. RAMSEY: Phillip Ramsey with the United  
23 States Environmental Protection Agency.

24 MR. MEILLIER: Laurent Meillier with the  
25 Regional Water Quality Control Board.

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1 MS. P. RYAN: I'm Patricia Ryan with DTSC. I'  
2 sitting in here . . .

3 THE REPORTER: I can't hear you, Patricia.

4 MS. P. RYAN: I'm from DTSC, sitting here till  
5 Jim gets here.

6 MR. O'CONNELL: Could we go around?

7 MS. ATTENDEE: [Inaudible] with RCD.

8 MR. TOLAND: I'm Jim Toland, the director of  
9 the Resource Conservation District of this county.

10 MS. ARNOLD: Carol Arnold, also from the RCD.

11 MR. CORPOS: John Corpos with the Navy.

12 MR. PINARD: Tom Pinard, Navy Public Affairs  
13 San Francisco Bay.

14 MR. ANDAL: Amado Andal, Weston.

15 THE REPORTER: I'm sorry. What?

16 MR. ANDAL: Amado Andal, Weston.

17 MR. FREITAS: Bob Freitas, Concord resident.

18 MR. BYRNE: Harry Byrne, Concord resident.

19 THE REPORTER: Jerry what?

20 MR. BYRNE: Byrne.

21 THE REPORTER: Brewer?

22 MS. BYRNE: Harry Byrne, B-y-r-n-e.

23 THE REPORTER: Thank you.

24 MS. BYRNE: Beth Byrne, Concord resident.

25 MR. MCLEOD: Dean McLeod, Bay Point resident.

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1 MS. CANEPA: I'm Joanna Canepa, Tetra Tec  
2 employee. We're a Navy contractor.

3 MR. BAILLIE: Good evening. Dave Baillie,  
4 environmental director for the Naval Weapons Station,  
5 Seal Beach.

6 MS. ALTAMIRANO: Claudette Altamirano, Weston  
7 Solutions.

8 MS. PIMENTEL: Emily Pimentel, Tetra Tech, Navy  
9 contractor.

10 MS. K. RYAN: Kelly Ryan, Tetra Tech, Navy  
11 contractor.

12 MS. HUNTER: Carolyn Hunter, Tetra Tech, Navy  
13 contractor.  
14 MR. O'CONNELL: Okay. I think we have  
15 everybody. I'll turn it over to the Navy cochair.  
16 Well, no. Woah, woah, whoa. Public comment.  
17 MS. FREITAS: Yes.  
18 MR. O'CONNELL: Okay.  
19 THE REPORTER: I'm sorry. You have to identify  
20 your name again 'cause I can't see your name tag, and --  
21 MS. FREITAS: Evelyn.  
22 THE REPORTER: -- I don't remember your name.  
23 MS. FREITAS: Evelyn Freitas.  
24 THE REPORTER: Okay.  
25 MR. O'CONNELL: Let's turn the name tags at an

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1 angle . .  
2 THE REPORTER: Thank you.  
3 MS. FREITAS: I just wanted to bring to  
4 people's attention, I did give this out to the RAB  
5 members, and I brought it to the attention of DTSC and  
6 the EPA that I pulled up on the Internet.  
7 And I am concerned about a document that is for  
8 im- -- "Imminent and Substantial Endangerment  
9 Determination and Order" for the Chemical & Pigment  
10 company on Nichols Road.  
11 It is -- Even though I'm told that it is not  
12 part of the Navy property, if you read the litigation  
13 information, you'll find that this property was -- that  
14 there were -- they went into some sort of an agreement  
15 with six of the people that the companies that were  
16 around this [indicating] to clean up this area, and it's  
17 right in the ras ree [phonetic] area. And this area is  
18 con- -- is filled with chromium and major toxics that  
19 are just way over the line.  
20 And, I guess, letters have even gone out to Bay  
21 Point residents. But I've given you copies to pull up  
22 on the Internet so that you can pull up the documents.  
23 And this is something that I think we need to address  
24 because of the five-year litigation.  
25 This is something that has been going on for

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1 several years and, as far as I am concerned, has no  
2 been addressed properly and really needs to have further  
3 attention. And this is one reason I've asked for  
4 30 days for some of the other documents so we can  
5 address this.  
6 I'll leave this up so you can look at the  
7 pictures, and then I'll take it home tonight.  
8 MR. O'BRIEN: May I ask a follow-up question on  
9 that subject?  
10 MR. O'CONNELL: Yes.  
11 MR. O'BRIEN: Pat, are you able to address any  
12 of these issues? because I understand the Department of  
13 Toxic Substances has been investigating and will be  
14 completing a public involvement component regarding the  
15 companies down in that area.  
16 MS. P. RYAN: Right. Recently Allied Chemicals  
17 was surveying, probably got one in Bay Point.  
18 Chemical Pigment -- and I'm not a technical  
19 expert. I'm just giving you what I know. Chemical  
20 Pigment was an abandoned site. I won't go into the  
21 history of it because I don't want to make any mistakes.  
22 But that's where it was in January.

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23 And at that time, our emergency response  
24 department or unit went in and put up fencing and  
25 covered the piles to get it temporarily stabilized.

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1 And Evelyn's correct; there are concerns about  
2 contamination going on. I don't right now know the  
3 status of all that, but I can find out.  
4 I talked to Evelyn on the phone and told her  
5 what I did know. But it's not a Navy site. This is one  
6 of the privately owned sites; and as I said, it was  
7 abandoned. The person that had it died, and nobody  
8 wants it. So the cleanup was kind of being determined  
9 who the responsible party was.  
10 MR. O'BRIEN: How about the still active  
11 companies in the area?  
12 MS. P. RYAN: Well, I ca- -- each one of those  
13 sites is different -- has a different project manager.  
14 They're like Allied. And we have a lot of information.  
15 I can give you the person, my counterpart, Michelle Reek  
16 [phonetic] is the person.  
17 MR. O'BRIEN: I'll get in touch with her.  
18 MS. P. RYAN: Okay. Great. Well, Michelle can  
19 give you more information on Allied. And I don't know,  
20 but I can check on Chemical Pigment tomorrow and find  
21 out, see if there's been any progress since the  
22 emergency measures were taken. I know that they were  
23 sampling for that. But I don't know what the status is  
24 of the sampling at this point.  
25 MR. O'BRIEN: Philip, what is the EPA's

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1 position on this as it affects the Navy property  
2 MR. RAMSEY: Well, the Navy is coming out with  
3 this five-year review as recommendations to do some  
4 additional investigations to assess in particular  
5 Chemical Pigment's company, the property, to assess the  
6 groundwater migration coming from what we call the  
7 Chem. Pig. facility.  
8 So in terms of -- this is what the Navy's  
9 doing: They are assessing this groundwater, you know,  
10 contamination that's migrating onto their property.  
11 They have no rights at this point to stay -- they don't  
12 have, you know, rights to start going onto Chem. Pig.,  
13 nor do they probably have any desire to do that. It's  
14 private property, essentially.  
15 But they do have a -- you know, coming out with  
16 a five-year review. They are proposing to install at  
17 least one well and then look at the existing  
18 hydrogeologic information on that area at Chem. Pig.  
19 And there's also some other data gap  
20 assessments that are being done coming out in the  
21 five-year review aimed for additional IR work,  
22 additional remedial investigation work at the adjacent  
23 general chemical facility. These are all things that  
24 are documented in the five-year draft final five-year  
25 review.

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1 MR. O'BRIEN: But it has not been determine  
2 yet that these companies are aggravating the remediation  
3 for the Navy?  
4 MR. RAMSEY: We -- we don't know the  
5 significance. There's clearly groundwater migration  
6 that's curr- -- that's occurring. However, it's likely

7 relatively slow because of the nature of the -- well,  
8 the nature of the geology there is -- you know, you have  
9 fine, silty, sandy, clay soils around the river flood  
10 plain there. So the groundwater flow rates through the  
11 subsurface are very slow.

12 And EPA doesn't -- is not aware of, and the  
13 purpose of collecting this additional data on Navy  
14 property side first is to try to find out the  
15 significance of this groundwater migration to  
16 recontaminating the marsh area.

17 We have -- Anyways, I'll leave it at that  
18 rate.

19 MR. O'BRIEN: Thank you.

20 MR. RAMSEY: I'll talk a little more later some  
21 of our comments.

22  
23 MR. O'CONNELL: Other comments?

24 MR. ATTENDEE: I don't have a comment, but I  
25 have a question for the Navy. I'm hoping you will --

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1 might be able to enlighten me

2 I know the Board has -- the community members  
3 have requested information about the other processes of  
4 studying going on around the Naval Weapons Station. I  
5 think there -- there were at least three: One's  
6 environmental, to clean up the spills, joint use --  
7 future joint use of the Navy property district cultural  
8 resources being done.

9 What we have asked I think Ray at least -- at  
10 least twice asked if there could be some kind of  
11 coordination so that we would know what was going on in  
12 those other processes. The -- the rationale for that  
13 being that how can the community approve the findings of  
14 environmental cleanup without having addressed the issue  
15 of future and planned use?

16 And if planned use is going forward, then how  
17 does that fit into what remedies are taken by the Navy  
18 in environmental cleanup? To separate those things is  
19 completely illogical from the point of view of the  
20 community.

21 And I was at the joint use thing a few weeks  
22 back and learned that that Gil Rivera was the project  
23 manager of the environmental baseline study, which is,  
24 you know, one of those other bailiwicks that we're  
25 talking about. And my question is: How long was he

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1 project manager of that

2 And if so, why did then he not give us his  
3 input from that source, from that project? Why was  
4 it --? Why were we --? Why are we kept separate and in  
5 the dark about that?

6 If the Navy -- If there's anyone from the Navy  
7 that could answer that, I'd appreciate that.

8 MR. BAILLIE: [Unintelligible.]

9 THE REPORTER: I can't hear you. I'm sorry.

10 MR. BAILLIE: I -- I'm -- I beg your pardon.  
11 Dave Baillie.

12 What I was commenting to Marcus on is that I'm  
13 on the agenda later on; and, I mean, it's up to him  
14 whether you want to go five minutes now or right at the  
15 end.

16 MR. O'CONNELL: Let's do it now.

17 MR. BAILLIE: Might as well address the

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18 question. I think -- I think those are excellent  
19 points. I think they are valid concerns.  
20 What -- what I can tell you in terms of  
21 Mr. Rivera's involvement -- well, let me -- let me start  
22 from where I was going to start. It may be a lot  
23 easier.  
24 The EBS, the contract to perform environmental  
25 baseline survey for -- for proposed joint use, was

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1 awarded approximately May time frame, even though the -  
2 the scoping of what joint use could potentially be was  
3 not -- you know, was -- was still, I guess, more up in  
4 the air than it is now.  
5 The status right now of environmental baseline  
6 survey is that work has progressed, and the Navy's  
7 reviewing internal draft, and the very first preliminary  
8 draft we're getting this month.  
9 And then there will be -- subsequent to that,  
10 there will be drafts. That would be just like, you  
11 know, higher documents that will be drafts throughout.  
12 I can -- The other part what I can tell you in  
13 terms of the schedule is that there will be a novel leap  
14 review public comment process. The first step in that  
15 would be a public scoping meeting, and that is due to  
16 start fairly soon. I got to be honest with you, I  
17 didn't check in on the schedule what's transpired in the  
18 last few weeks either. First day back from being off a  
19 couple of weeks.  
20 But I think probably within a week or so, we  
21 could get the RAB members some updated information in  
22 terms of when the public review points are going to be  
23 for that process.  
24 MR. ATTENDEE: So there's not going to be any  
25 linkage -- it's going to be requested by the community

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1 and the RAB to have -- to have a linkage with thos  
2 things.  
3 And so what you're saying is: The RAB members,  
4 as individuals, can go to additional meetings outside  
5 the RAB process to find out what's going on there, or is  
6 there going to be a report that will name directly to  
7 the RAB so that the RAB members can have a sense of  
8 what's planned use is going to be before they approve  
9 the environmental cleanup?  
10 MR. BAILLIE: Excellent -- Right.  
11 Excellent -- excellent point.  
12 And right now what -- my understanding of what  
13 is moving forward on joint use is a portion that the  
14 City of Concord's been involved with or interested in,  
15 and that is basically a portion down in the airfield  
16 area. And so that portion of the joint use is being  
17 looked at.  
18 And what we had talked about this afternoon is  
19 actually putting in, you know, some kind of overlay on  
20 this map so you all could see more clearly how the two  
21 relate.  
22 But this is a blowup of the same area, and  
23 we're basically talking about an area down in here. The  
24 nearest IR site is Site 13, which is clearly outside the  
25 boundary of the current proposed joint use for the ball

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1 fields in that area of the -- that area of the -- of th

2 property. So at this point, there are no known IR  
3 issues that are in this area.  
4 However, going through the environmental  
5 baseline survey process, that will do, you know, more  
6 complete survey of this; and then when that report is at  
7 a -- you know, a draft point, then that's when we're  
8 going to be having that put out for review.  
9 MR. ATTENDEE: Can I comment a little further  
10 on that --  
11 MR. BAILLIE: Sure.  
12 MR. ATTENDEE: -- or respond to that?  
13 The community members were under pressure to  
14 sign off on documents as to remedies for cleanup; and  
15 those remedies for cleanup were based on no change, no  
16 change in the use of the property.  
17 And so if it was known that there was going to  
18 be change, then, you know, why were not the RAB members  
19 made aware?  
20 My question -- Back to -- The question was:  
21 How long has Gil Rivera been project manager for the  
22 baseline study, and why does not the RAB -- were not the  
23 RAB members advised of that?  
24 MR. BAILLIE: Right. The baseline study  
25 contract was awarded in May. So certainly, he's been

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1 involved no longer than May of last year. The reason  
2 why it hasn't been brought to the RAB is because there  
3 are no IR sites in the area.  
4 MR. O'CONNELL: That -- You got your factual  
5 facts crossed up. The -- the funding for the  
6 environmental baseline survey was approved in  
7 approximately November of 2000 -- 2001. That's a little  
8 over a year ago. Went through Congress. Was about  
9 \$5 million . . .  
10 MR. BAILLIE: I understand that.  
11 MR. O'CONNELL: That was the environmental  
12 baseline survey of the entire base, and I believe that's  
13 what he was talking about. Not the entire base. The  
14 land area, complete inland area, and a complete  
15 admin. area.  
16 MR. BAILLIE: What I'm -- what I'm trying --  
17 MR. O'CONNELL: When we went to the study  
18 committee in early December in Martinez, Navy personnel  
19 were there, and they told us that Gil Rivera was project  
20 manager on that environmental baseline survey for the  
21 entire area. That's what they're talking about. That's  
22 where their focus is. They don't give a darn about  
23 the -- the -- the project you're talking about, the big  
24 enchilata, 8 or 9 acres out there.  
25 We sat in this -- in this body, the RAB sat

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1 here, and asked about this environmental baseline survey  
2 many, many, many times. And we were told -- almost it  
3 was like no one knew what was going on.  
4 And suddenly we get over there to join the  
5 meeting, and we find out too this has been going on.  
6 Your representative's been sitting in these meetings all  
7 this time keeping his mouth zipped. And so that's the  
8 issue here.  
9 MR. BAILLIE: I don't know if I'm sure of where  
10 that perspective is coming from, but --  
11 MR. O'CONNELL: Okay, but --  
12 MR. BAILLIE: -- what I do know is that that --

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13 I'm not -- I'm not extremely familiar with all the  
14 nuances of what's being discussed in the Joint Use  
15 Committee or the Technical Joint Use Committee. I mean,  
16 I get my information passed to me as far as: This --  
17 The committee met last month, and this is what came out  
18 of it.

19 You guys are attending the meetings. So you  
20 may know even more than I do in terms of that.

21 But my understanding is: The portion that's  
22 been -- that's being looked at to move forward is this  
23 portion down here. There are other discussions as far  
24 as, you know, what portions of the base may wind up  
25 being moved on.

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1 What I can tell you is that when there's  
2 enough -- when the environmental baseline survey has  
3 gotten to a draft point and part of the meet for process  
4 for joint use, that's the appropriate juncture point  
5 where the community starts looking at that.

6 Also at that point, then, we can also -- when  
7 the proposal gets more defined, they can bring that back  
8 here and say "Okay, this is definitely the footprint" or  
9 "No, this is the footprint, and therefore we have sites  
10 that are in or not in."

11 MR. O'CONNELL: Let me follow up here.

12 MS. FREITAS: Can I say something?

13 MR. O'CONNELL: Sure.

14 MS. FREITAS: Somebody from the Navy did bring  
15 up a point, and I won't put them on the spot with the  
16 name. But in other areas, they do -- when they do  
17 cleanups, they do it through very top, the residential  
18 area that they are going to clean up, and that's what  
19 the release is going to be, residential area.

20 I have -- I've said this all along: I do not  
21 understand what the Navy is doing with their cleanup  
22 process. And obviously, all along we're royally  
23 screwing up things for the -- the -- our people -- the  
24 people around us and the water and everything else.

25 When we're cleaning up these units, before the

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1 Navy walks away, these have to be cleaned up to the ver  
2 top levels before they walk away, and they have to be  
3 responsible for it.

4 And I think that's what we're losing sight of.  
5 We're -- we're fighting over these things. We're going  
6 over documents. We're going back and forth. And we --  
7 you know, it's been a year that we have been trying to  
8 get on track, and we're finally getting on track.

9 But bottom line is: The Navy hasn't been doing  
10 their job, and they need to be doing their job up to the  
11 very top level of cleanup, especially if they are going  
12 to be leasing out this property to the City where you're  
13 going to have children out there rolling around in the  
14 dirt and playing in it and possibly even eating it.

15 So that's my two cents.

16 MR. O'CONNELL: I agree.

17 MR. BAILLIE: That's exactly what the baseline  
18 survey is designed to do is -- is it's supposed to look  
19 at baseline. What are the baseline concerns for the  
20 area that's proposed to be used?

21 You know, frankly, the joint use committees  
22 need to tell the Navy, these are the areas that we want  
23 to, you know, proceed with with doing joint use; and

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24 that's where we're going to -- it's going to be best to  
25 spend the money on EBS on the areas that the community

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1 and the Joint Use Committee have decided we want to mov  
2 on, you know.

3 There's no sense in doing all this area here if  
4 the Joint Use Committee decides, well, maybe that's  
5 something we're not going to pursue.

6 What I -- what I can tell you to address the  
7 question that was asked is that the contract was awarded  
8 in May, and the work started June-July time frame. The  
9 first preliminary internal draft is coming out in  
10 January.

11 And I can distribute to you what the future  
12 schedule is, and I can get that information out to you  
13 certainly before the next RAB meeting, but probably in a  
14 couple weeks.

15 MR. O'CONNELL: Dave, I think that you're at a  
16 bad spot here. You -- you're down in Southern  
17 California. You don't have all the factual information  
18 for when is -- you're not immersed in like we are up  
19 here.

20 If I'm in a baseline survey that we're talking  
21 about that was the contractor was done in May could not  
22 have been, I don't think, because the sports area wasn't  
23 even a dream in May, according to the City  
24 documentation. So . . .

25 MS. MORLEY: I think what you're saying, the

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1 environmental baseline survey was for the whole bay

2 The point is: As far as the restoration of  
3 this base is concerned for IR sites, which the RAB is --  
4 is working with us on, IR sites, there are no IR sites  
5 in the proposed joint use area as of now.

6 MR. O'CONNELL: Well --

7 MS. MORLEY: If that changes in the future, the  
8 environmental baseline survey will be available for  
9 public review process through the joint use.

10 MR. O'CONNELL: Well, then, I would ask -- I  
11 want to make sure that it's really clear. CERCLA, the  
12 law, Congressional -- congressionally passed law as far  
13 as the Federal Facilities Agreement signed by the EPA  
14 and the Navy, says that this body will be involved in  
15 land-use changes. And I urge anyone who wants to  
16 dispute that to go back and read the original text.

17 Now, the statement this is not part of the IR  
18 site is disingenuous. In fact, it is part of an IR  
19 site. It has been investigated in the past. And  
20 that's -- that's showing some of the original  
21 documentation that has to do with the cleanup in this  
22 case.

23 In addition to that, this entire base is a  
24 Superfund site. And under CERCLA law and under the  
25 Federal Facilities Agreement, this entire base is

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1 included. It does not delineate-say "You only get t  
2 look at the 10 square feet over here that are  
3 contaminated." This whole base is potentially  
4 contaminated, and nobody's looking very damn hard for  
5 contamination on this base, I mean thousands and  
6 thousands of acres.

7 And -- So to get to the bottom line, the

8 environmental baseline surveys, we are supposed to be  
9 involved in these. We should have been involved in  
10 these from the beginning. That's by law.  
11 MR. BAILLIE: I don't think we were at the  
12 beginning. I mean, I don't have any information to  
13 share with you. I don't even have a draft that I could  
14 give you. I don't even have a preliminary draft. I  
15 don't even have a schedule that I can share with you.  
16 MR. O'CONNELL: You have a contract that was  
17 awarded last May.  
18 MR. BAILLIE: That's what I said, we were  
19 expecting to --  
20 (Simultaneous colloquy off record.)  
21 THE REPORTER: I'm sorry. I cannot --  
22 MR. O'CONNELL: And we were not --  
23 THE REPORTER: Only one person at a time,  
24 please.  
25 MR. O'CONNELL: A contract was awarded last

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1 May, and we were not even informed. That's seven month  
2 ago. I expect that at least we're going to be informed  
3 that this process is going on.  
4 MS. ATTENDEE: May I --?  
5 MR. BAILLIE: I don't believe that the issue --  
6 the issue is of the EBS of joint use is required for the  
7 RAB. But certainly, the technical -- the joint use  
8 committees were aware of that and participated in the  
9 decisions.  
10 MS. FREITAS: It's not just for the joint use.  
11 The -- the problem is that these documents have gone  
12 through too fast, and we have not had a chance to go  
13 through and do the work that is necessary on this.  
14 And whoever is responsible for this and has not  
15 been helpful, the problem is -- is: We're sitting on  
16 this board. Not many people really want to sit on the  
17 RAB. I've been told, you know, not many people want to  
18 read these documents.  
19 And I spend hours reading these documents  
20 because I care, because I live in an area where this is  
21 affected and I really care. I care if people are going  
22 to get cancer. I care what's happening and I'm  
23 interested.  
24 But if I walk off and a few other people walk  
25 off, you know, everything just falls apart again like it

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1 has before and is going to be right back to ground -  
2 you know, the first square.  
3 So we are trying to do our best to read these  
4 documents and give you our input on what we think is  
5 right and wrong, and we haven't been able to do that.  
6 I think 13 and 17 should not have been written  
7 off. I think that there are -- is contamination still  
8 on that property, and I have said it before. And I  
9 think it was a mistake to do a final write on that --  
10 those pieces of property. And then to turn it over to  
11 the City of Concord for play use is completely  
12 ludicrous.  
13 So, you know, you're coming in here not really  
14 having all the facts --  
15 MR. BAILLIE: Thirteen and seventeen -- Excuse  
16 me, but my understanding is that 13 and 17 are not  
17 currently in the active proposal for reuse.  
18 MS. FREITAS: But they are close enough, and

19 that's going to be -- they're close enough, and they --  
20 MS. MORLEY: Hold on a second. Excuse me.  
21 Evelyn, these documents, you guys get the same amount of  
22 review time as the agencies do, which is 60 days; and  
23 you can also ask for a 30-day extension.  
24 I know that you haven't been on the RAB for a  
25 while, but these processes have been going on for years,

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1 and we are not rushing anything through  
2 And I also wanted to say that e- -- even if you  
3 feel like -- like the -- the process falls down, we're  
4 all -- we're experts in this field. These are -- We're  
5 using the nationally established criteria to establish  
6 these sites, and we have been doing this for years. We  
7 have a technical expertise. We are not going to do  
8 anything wrong. We are not going to do anything  
9 harmful.  
10 MS. FREITAS: As much as I -- I really do  
11 respect you as a person, Theresa -- and I've told you  
12 this before -- there is not a lot of trust with  
13 everybody in the Navy.  
14 MS. MORLEY: I understand.  
15 MS. FREITAS: I do think that you're really  
16 trying to do what you think is best, and I think there's  
17 a few other people, you know, the Water Board and -- and  
18 EPA. But I don't think everybody is really working  
19 together to do what is the right thing. And -- But  
20 I -- you know, I don't want to turn this thing into an  
21 argument.  
22 MR. O'CONNELL: We probably don't have time  
23 because of the time.  
24 MS. FREITAS: Yeah.  
25 MR. O'CONNELL: But I think at the end of this

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1 meeting, we're going to have to be setting up the agenda  
2 for next -- next time, and the issues have been brought  
3 up for future discussion.  
4 So with that, I'd like to . . .  
5 MR. SKAREDOFF: Different one.  
6 MR. O'CONNELL: Okay.  
7 MR. SKAREDOFF: I have a public comment.  
8 In my preparation --  
9 Igor Skaredoff, Martinez resident.  
10 Now, in doing some of the background reading, I  
11 read the initial -- the thing was published maybe ten  
12 years ago, I guess. There was a survey of the entire  
13 area done before the first RAB started. And there was  
14 one area in there which particularly caught my  
15 attention.  
16 There was a site where there were three wells.  
17 I think they were in this area over here by the SWMUs, I  
18 guess they're called. There were three wells that had  
19 been used for irrigation water, I believe, not drinking  
20 water; and then they were abandoned basically without  
21 anything being done to them. They were just capped off.  
22 And then when they went back to abandon them  
23 properly, when they lifted off the lids on them, there  
24 was a very strong hydrocarbon odor that came out of  
25 those.

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1 And there was a lot of concern in the  
2 particular report about what is the situation with those

3 wells, because, you know, they are a conduit directly to  
4 the groundwater; and if there's -- if there's stuff  
5 being disposed of down into there, it's a direct pipe  
6 into the groundwater.  
7 I've looked. I've done a very good-faith  
8 effort to look through the tremendous amount of material  
9 that you folks have provided me, and I have not been  
10 able to find out any follow-up on those. And I wonder  
11 if anybody knows; or if not, maybe ne- -- by the next  
12 meeting, somebody could get us some answers.  
13 MS. MORLEY: I don't know, but I will find out  
14 for you.  
15 MR. SKAREDOFF: Thank you.  
16 MR. O'CONNELL: Okay.  
17 MR. RAMSEY: Kenny -- Kenny street wells I  
18 think is what they're referred to.  
19 MS. MORLEY: Kenny street wells?  
20 MR. SKAREDOFF: Yeah.  
21 MS. MORLEY: Thank you.  
22 MR. O'CONNELL: With that, let me close the  
23 public comments and turn it over to Theresa.  
24 MS. MORLEY: Okay. I am assuming everybody got  
25 the October, November transcripts. Did anybody have any

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1 comments on those  
2 MS. ATTENDEE: Yes.  
3 MR. O'CONNELL: I move that we approve them.  
4 MS. MORLEY: Okay.  
5 MS. FREITAS: Second.  
6 MS. MORLEY: Oh. All those in favor?  
7 THE BOARD: Aye.  
8 MS. MORLEY: Do I have to say . . . ?  
9 MR. O'CONNELL: Yes.  
10 MS. MORLEY: Any opposed?  
11 Okay. That was easy.  
12 Okay. For committee reports and announcements,  
13 I guess our first announcement is: Gil Rivera has  
14 retired. We just found out Thursday, so -- and Friday  
15 was his last day.  
16 So we're not sure, since we just found out,  
17 what is going to happen. But hopefully, pretty soon we  
18 will have an answer on whether we have a new project  
19 manager.  
20 The only problem is that that organization,  
21 NAVFAC, is in a 30 percent drawdown; and what other ways  
22 they are making that by trying not to fire people is:  
23 When people retire, they don't replace them, but  
24 obviously that's not going to work.  
25 So Dave and I talked to him today and asked me

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1 maybe if I could fill in a while to fill in. Bu  
2 because of that, there will be no RPM update from the  
3 Navy. But you did get your -- the meeting minutes,  
4 right? Okay.  
5 MR. O'CONNELL: Could I ask a couple questions  
6 on that? Maybe the RPMs are here.  
7 MS. MORLEY: I'll try.  
8 MR. O'CONNELL: Some action items. I was just  
9 sort of wondering how they -- how they progressed. And  
10 one of -- one of them was that you were going to review  
11 current guidelines for determining community acceptance  
12 in the Record of Decision. I wonder if anyone can tell  
13 me what progress has been made.

14 MR. RAMSEY: Well, what -- I can actually  
15 answer maybe, Marcus. This is coming out of the project  
16 managers meetings agenda items.

17 What we have really asked the Navy to do is to  
18 make a -- kind of been kicked around quite a bit. We  
19 asked them -- you know, the Navy needs to make an effort  
20 to respond to public comments and on a -- Site 1, in  
21 particular, and, you know, make a preliminary attempt to  
22 respond to public comments on the -- on these Records of  
23 Decision; and then we'll work with them to try to, you  
24 know, ensure their plans with CERCLA.

25 MR. O'CONNELL: I think you're maybe confusing

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1 the next question I was going to ask, which was anothe  
2 action item, which was will the Navy distribute the  
3 historic time line of the community outreach for  
4 Tidal 1 -- excuse me -- for Site 1? And I'm glad to  
5 hear that.

6 The other -- the previous thing I asked,  
7 though, was the guidelines for community acceptance,  
8 what if anybody -- what are the guidelines for  
9 determining community acceptance? It's been turned down  
10 in mediation for Tidal 1, and that as far as I know is  
11 the really only bonified community input that's been  
12 had. So I wonder how you determine what the acceptance  
13 over and above that.

14 MR. RAMSEY: Let's go back out there on Site 1,  
15 shall we? What -- trying to think.

16 You know, again, it's -- there's lots of  
17 legalities involved in this, and that's why EPA was not  
18 in a position as far as dictating to the Navy, you know,  
19 are they in compliance or not with assessing public  
20 input on the various decision documents.

21 And so we have said: "Navy, take a stab. You  
22 need to respond to the public," you know. "You need to  
23 try to resolve this decision document so there's -- a  
24 public acceptance has to be considered."

25 So the process of doing that, document

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1 chronology of public meetings, presentations to th  
2 various RABs in the past, assembling any correspondence  
3 they've received from previous RAB members, current RAB,  
4 on given decision items, make an attempt to respond to  
5 the public, you know, some public input, public  
6 acceptance of the decision.

7 MR. O'CONNELL: Well, I don't want to belabor  
8 this, but we have a lot to cover tonight, but this is  
9 really the heart of what the community advisory board is  
10 about.

11 MS. BYRNE: We can't hear, Marcus.

12 MR. O'CONNELL: I think this is really -- I  
13 don't want to belabor this, but I think that this is a  
14 very -- what this advisory board is about, and it -- you  
15 know, we represent the community. We are the members of  
16 the community that actually need this stuff, hopefully,  
17 at least as much as we can.

18 And one of the criteria under CERCLA for  
19 evaluating proposed mediation, proposed solution, is  
20 community acceptance.

21 We have turned down, as you know, tidal -- the  
22 tidal area, the remediation for Tidal 1, unanimously.  
23 As far as I know, we are the only members of the  
24 community that had any input on this process.

25 So the action item was the RPMs that reviewed

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1 the current guidelines for determining community  
2 acceptance. I take it, they mean what the guidelines  
3 for determining the community acceptance under criteria  
4 under CERCLA for evaluating --  
5 MR. RAMSEY: Right.  
6 MR. O'CONNELL: -- not -- not --  
7 The other item is about construct the time line  
8 and what they have done and how they have responded and  
9 stuff.  
10 MR. RAMSEY: There's also as -- As that  
11 process occurred, there was -- there was briefings to  
12 the RAB on the feasibility study. There may have been  
13 correspondence submitted by the RAB. This is, of  
14 course, years ago.  
15 And that was one thing that came out, because I  
16 have mentioned to you in the past, I was under the  
17 impression there was, in fact, a letter -- a letter  
18 written by a previous community cochair that was in  
19 favor of the Site 1 lot. And we were advising the Navy  
20 they need to -- they need to have all these things  
21 together.  
22 What the Navy needs to -- and again, there's a  
23 lot of legalities involved, and I'm not trying to stick  
24 my neck out, so said the Navy -- "You guys can leave on  
25 this site. You need to, you know, make your effort to

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1 build the case to respond to any public comments that  
2 have been received on the decisions and support the  
3 Navy's position, and we'll work with you once you go do  
4 that." But I think this is what's not written in those  
5 things, which is we are to research these things.  
6 My opinion was, you know, I can't speak for my  
7 attorney, and therefore for you to take the initial stab  
8 on these things.  
9 MR. O'CONNELL: Okay. Well, it's on your next  
10 list of action items as well for your next meeting. It  
11 apparently wasn't fully addressed at the last one.  
12 MR. RAMSEY: They probably intended to carry  
13 on, and that's where he actually came out, Marcus, was  
14 the Navy, instead of this happening, talked about this,  
15 because I understand you don't bring my attorney to  
16 every monthly project manager's meeting.  
17 Kind of decided it would be more productive for  
18 the Navy to attempt to, you know, start -- we -- we're  
19 trying to resolve these -- these decision documents.  
20 We're trying to move these projects along. We have to  
21 consider public, you know, input and acceptance of these  
22 things.  
23 MR. O'CONNELL: Well, I thought maybe in the  
24 intervening six weeks that someone would pay attention  
25 to it. I realize what you're saying, so . . .

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1 MR. RAMSEY: I'm not sure I understand what  
2 you're saying.  
3 MR. O'CONNELL: The -- the -- the -- the -- the  
4 meeting was six weeks ago, and I thought perhaps that in  
5 the intervening six weeks, someone had actually gone out  
6 and checked up on this. It was a -- it was a carryover  
7 action item from the meeting six months -- six weeks  
8 ago. So now it's six weeks further been looked into.

9 I'm just saying --  
10 MR. RAMSEY: Now -- now you're -- Now we're  
11 making a motion between a rock and a hard place. Move  
12 too fast.  
13 (Simultaneous colloquy off record.)  
14 MR. O'CONNELL: Because I'd like some  
15 clarification myself.  
16 MR. RAMSEY: Right. It's always been the  
17 problems when we start moving and, of course, the  
18 landfill, the decision -- I know it's been your opinion  
19 on the landfill in particular it's when you don't like a  
20 remedy, meaning I guess it's dig clam up.  
21 MR. O'CONNELL: Well --  
22 MR. RAMSEY: And the Navy says it's kind of  
23 difficult where it comes either/or. It makes it  
24 difficult, I think, for them to respond to "We don't  
25 accept the remedy" when it's like "What exactly would

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1 you accept?" I mean, I don't think I ever heard that  
2 MR. O'CONNELL: We would accept restoration,  
3 removal. Restoration is probably acceptable.  
4 MR. RAMSEY: All right.  
5 MR. O'CONNELL: And I think we have said,  
6 matter of fact.  
7 MR. RAMSEY: Again, I'm not trying to be  
8 adversarial. You know, I've been -- You know, we're  
9 assuming -- I have stuck my neck out on many times  
10 trying to help the Navy, and it seems like I end up  
11 getting myself kind of bit, and maybe I'm overseeing --  
12 you know, overstepping my bounds. I'm not sure.  
13 But, you know, I want to make it clear that EPA  
14 does want to take into consideration of public comments,  
15 and we are trying to do things by the book.  
16 And legally I'm not the attorney, of course;  
17 and that's why I say it's probably better for the Navy  
18 on some of these issues instead of having these little  
19 RAB discussions -- because we talk about every project  
20 during that period once a month, and some of these  
21 things we just don't obviously complete in the course of  
22 those short discussions.  
23 MR. O'CONNELL: That's my comments on the RPM  
24 MS. MORLEY: Did you want to go ahead and give  
25 a brief --? You said you want -- maybe had a couple of

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1 things  
2 MR. RAMSEY: Yes, but I was just going to  
3 elaborate on for the RAB members: Mr. O'Brien, I know  
4 you a sent a letter. I have here for the month of  
5 December, just real quickly -- this is what Gil  
6 typically, you know, talks about.  
7 We have a monthly project manager meeting.  
8 That's just -- was actually done over the phone because  
9 we were in the process of completing a review on three  
10 different documents this month. And so we just had a  
11 relatively short conference call to talk about some of  
12 the schedules in particular, I think the biggest purpose  
13 of the call.  
14 We had a site tour on the 7th of December. So  
15 I appreciate you folks who came. It was actually a good  
16 turnout, and we spent from 9:30 till 2 o'clock or so  
17 going around the site. So I appreciate it. I thought  
18 we had good discussions at the various sites.  
19 This month in terms of the correspondence that



20 EPA's provided, we issued three letters to the Navy. As  
21 I mentioned last month, we are going to be completing  
22 December. Real quickly, those are a letter -- let me  
23 start back chronologically.  
24 Back on the 17th, I had provided comments on  
25 the Navy October 18th, I believe, thereabouts, yeah,

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1 October 18th draft SWMUs, which is the solid waste  
2 management units, remedial investigation report, the  
3 draft RI.  
4 So December 17th EPA per the site management  
5 plan provided our comments. They are rather extensive.  
6 This is a draft investigation for the groundwater  
7 contamination primarily. These -- The SWMUs sites are  
8 a bunch of maintenance buildings that the -- it's kind  
9 of the core of the base.  
10 Just to highlight a couple of more comments  
11 real quickly here for folks, we do believe there's  
12 considerable work that needs to be done to better  
13 describe some of the site histories in chemical use,  
14 waste generation for various of these SWMUs sites,  
15 again, solid waste management units, we call SWMUs. So  
16 we need this kind of background in this RI report.  
17 We believe there's a lot of -- we are -- we are  
18 requesting that the Navy consider doing some additional  
19 data collection. They are concluding that they have  
20 done enough work there, and we are suggesting the Navy  
21 may want to consider doing some additional soil gas  
22 investigation since we are primarily looking for  
23 volatile organic compounds.  
24 There are a couple hot spots that have been  
25 detected there at the sites, and we are hoping the Navy

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1 would want to consider a potentially more proactive set  
2 of active remedial action alternatives will be screened  
3 subsequently in the feasibility study report.  
4 So they have identified generally in this RI is  
5 data that would be -- would be sufficient to  
6 characterize no action alternative, a active pump and  
7 treat and a -- what they call monitor natural  
8 attenuation, watching this contamination migrate and  
9 slowly degrade. So that's called monitor natural  
10 attenuation, MNA.  
11 We are suggesting the Navy also consider some  
12 kind of a more active and see through air sparse kind of  
13 remediation that may actually deal with the  
14 contamination and result in kind of a quicker cleanup,  
15 and this may be a very long-term monitoring if they  
16 leave the contamination in place.  
17 So anyway, that's just a couple of, you know,  
18 general highlights. I don't want to overparaphrase my  
19 letter. A number of general comments and fairly simple  
20 specific comments. So they should be pretty  
21 straightforward.  
22 MR. SKAREDOFF: Excuse me. Phil, before you  
23 move on to the next topic, would you mind kind of  
24 reviewing that for me?  
25 I just -- I was trying to sort of boil down

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1 what I've been hearing: This is the SWMUs area. That'  
2 the -- I guess -- was that SMU?  
3 MR. RAMSEY: It's all the green dots --

4 MR. SKAREDOFF: Yes.  
5 MR. RAMSEY: -- right in the center of the  
6 base, correct.  
7 MR. SKAREDOFF: Okay. And those were kind of  
8 maintenance areas where there's, like, degreasing and  
9 painting and things like that going on there. And my  
10 concern is that some of the solvents that were used  
11 there got dumped in the soil. Is that kind of the --?  
12 MR. RAMSEY: Right. There -- there have been  
13 some previous studies. This last RI kind of puts  
14 everything together to this point. But there are  
15 definitely wells originally installed years ago and had  
16 been monitored.  
17 And in one well, Monitoring Well 10, is the one  
18 well that's right close to a locomotive wash rack so  
19 that it's the likely source area. However, there may be  
20 a waste soil tank also contributing to groundwater.  
21 MR. SKAREDOFF: Now, is there -- is the --  
22 whatever it's called, Seal Creek or Mt. Diablo Creek  
23 there? That runs near there, doesn't it? Doesn't  
24 it --?  
25 MR. RAMSEY: Right, right.

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1 MR. SKAREDOFF: Is there any concern with tha  
2 stream being contaminated from these sources?  
3 MR. RAMSEY: It's not that much of a concern  
4 for EPA because for VOCs to have an ecological risk,  
5 they generally have to be pretty high; and the  
6 groundwater -- we've raised some questions and comments  
7 regarding the acceptability of the groundwater  
8 characterization work, hydrogeologic studies that have  
9 been done to date.  
10 We're more concerned -- and it's still kind of  
11 a marginal risk to human receptors -- is: The golf  
12 course, which is also nearby, is pumping probably large  
13 quantities of groundwater for irrigation; and there  
14 could be risk to the workers that are out around the  
15 irrigation from breathing vapors, probably a pretty low  
16 risk, but these are typically done.  
17 And -- and little information is provided  
18 regarding the pumping rates and the operating  
19 frequencies of the well or wells at the golf course or  
20 the effect on groundwater flows as a result of that  
21 pumping.  
22 MR. SKAREDOFF: Has any of that water been  
23 tested for VOCs or --?  
24 MR. RAMSEY: We're not real clear, but it's  
25 unlikely the golf course would be testing because it's

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1 just used for irrigation  
2 MR. SKAREDOFF: Has any of that water ever been  
3 tested for?  
4 MR. RAMSEY: Well, the other thing about that  
5 we do know that's concluded in the report that the  
6 irrigation well is -- is gathered about 200 feet. It's  
7 a deep well, and it's likely pumping on the deeper  
8 aquifer, the deeper zones.  
9 The groundwater at the site is extremely  
10 shallow; and as you move away from the source areas,  
11 groundwater contamination -- the concentrations do  
12 dissipate.  
13 So by the time we are just away from these  
14 buildings -- in fact, the well that has the highest

15 concentration is around 100 parts per billion total  
16 VOCs, for volatile organic compounds. If you add up all  
17 these maskings of tetrachloroethylene and  
18 trichloroethylene, they are around 100. And drinking  
19 water standards for those are, like, 5 each, so . . .  
20 MR. SKAREDOFF: But --  
21 MS. MORLEY: I -- I don't want to get into --  
22 MR. RAMSEY: Yeah.  
23 MS. MORLEY: -- a real discussion on the site.  
24 We are already way behind agenda. But Phillip, you do  
25 give copies of your letters to Marcus, so if you want

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1 to -  
2 MR. RAMSEY: I've got to give him our copy --  
3 MR. SKAREDOFF: Well, I've got the copies of  
4 the letter. It's just a whole lot easier to have Phil  
5 explain it --  
6 MS. MORLEY: He will give you his phone number,  
7 and you can talk to him if that's okay or else if you  
8 can stay after the meeting, if -- if you want to E-mail  
9 or talk to Phillip about this site, because we really  
10 need to move on.  
11 MR. O'BRIEN: Well, I'm sorry. I think these  
12 are important issues, Theresa, and we need  
13 clarification. I read these letters, and it's -- half  
14 of it's Greek to me.  
15 So I appreciate the fact that the regulators  
16 are here and that we can ask them specific questions,  
17 and I do not think this is a waste of time.  
18 MS. MORLEY: Oh, I didn't say it was a waste of  
19 time, Ray. I was just -- If that -- If you would like  
20 to continue discussing this like that, we're going to --  
21 I suggest that we move one of the presentations to the  
22 next agenda because --  
23 MR. O'BRIEN: That's fine with me. I think  
24 this is important.  
25 MS. MORLEY: How does everybody else feel?

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1 MS. FREITAS: Why don't we take CERCLA of  
2 tonight?  
3 MS. MORLEY: Well, I'd rather take the tidal  
4 area presentation because that document hasn't come yet,  
5 and I kind of wanted to start -- want to start alone?  
6 Sorry -- because I wanted to start the train -- the  
7 training. Remember, this is part of our ongoing  
8 training process, and I wanted to get that started.  
9 Do you guys want to vote?  
10 MR. O'CONNELL: I have no problem with staying  
11 late personally.  
12 MR. SKAREDOFF: Well, I guess I'm not willing  
13 to forgo these kind of discussions because I get these  
14 things and I read them; and, you know, like Ray, there's  
15 so much stuff in here which is all about paperwork  
16 procedures and all this, and I'm trying to get at the  
17 core of the matter: What's in the ground? Where's it  
18 going? And how hazardous is it? And that's hard to dig  
19 out of these things.  
20 Now, you do a very good job to me anyway. I  
21 find that very helpful. So to me it's very efficient to  
22 do this.  
23 Now, I don't know, maybe everybody else already  
24 is clear as daylight. I don't know about everybody  
25 else. But to me it wasn't obvious until you explained

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1 it to me like that. So I find it very beneficial  
2 MS. MORLEY: May I suggest maybe subcommittee,  
3 then, where we can get together outside of the RAB and  
4 discuss that site? There are a couple of sites we need  
5 to --  
6 MR. SKAREDOFF: Well, I guess I'm -- I'm  
7 wondering whether the rest of the RAB members feel that  
8 this is beneficial or not, or is it just me? And that's  
9 why I'd just like to hear, because if it is just me,  
10 well, then, yeah, sure, we can have a phone  
11 conversation. But if anybody else is getting benefits  
12 out of this kind of clarification, I think it's  
13 beneficial to have it at the meeting. So --  
14 MS. FREITAS: I was wondering about even in the  
15 audience if they find it beneficial, 'cause I know there  
16 are a few people that do come regularly. So I'm kind of  
17 wondering if they find it beneficial hearing this. You  
18 may want to ask their opinion also.  
19 MS. BYRNE: I enjoy listening to Phillip  
20 explain. It makes more sense.  
21 MS. MORLEY: Okay.  
22 MR. RAMSEY: I need to prepare more for these  
23 meetings, I guess.  
24 MR. SKAREDOFF: Well, it doesn't necessarily  
25 always have to be you. You know, like, there is -- you

1 guys are technical experts and we are not. We hav  
2 expertise in various areas, but not in these specific  
3 things. And sometimes things that appear obvious -- duh  
4 kind of things -- to you until you explain them to us  
5 don't appear very clear to us either.  
6 And so if we can try to operate on a smooth  
7 basis and kind of build, you know, the relationship; I  
8 think if we are kind of brought up to speed to where you  
9 are, I think that goes a long way towards helping the  
10 whole thing more forward.  
11 MS. MORLEY: Go ahead. Was that -- was  
12 that --? You had more questions than that --?  
13 MR. SKAREDOFF: So I only have one follow-up  
14 thing, and that was: Are the -- most of these volatile  
15 organics -- are they chlorinated hydrocarbons, most of  
16 them, or are they just --?  
17 MR. RAMSEY: Well, that's -- that's the ones --  
18 I mean, there are all these other carbons -- BTXE,  
19 benzene, toluene, and xylene -- that are primarily  
20 gasoline derivatives; they are also -- those are  
21 considered volatile -- VOCs. But we are really  
22 dealing -- I mean, it's from industrial; it's from  
23 automotive repair; there's lots of grease there.  
24 And that was the one thing we got from this  
25 study was -- was actually a little disappointing to me

1 to see the Navy collected over 156 samples that were -  
2 that were analyzed, and it turned out to be non-BTEX  
3 VOCs.  
4 We suggested, boy, we'd be much more willing  
5 and like to work with the Navy more collaboratively to  
6 avoid those situations because that may represent  
7 \$50,000 in lab expenses that were really unnecessary.  
8 And we have to sometimes scratch to get a  
9 couple samples done here and there, you know, yet were

10 refused when we asked to do something because of a  
11 couple thousand dollars being spent at various sites in  
12 the past and then to see this money spent like that.  
13 If we are working together, my suggestion is  
14 literally if the Navy was running the samples and  
15 they're getting a bunch of non-BTEX, we would very well  
16 consider lots of things.  
17 We really wanted to look at the groundwater.  
18 If they punch down and take the groundwater back, that  
19 would tell you a lot more about the source areas; and  
20 from that we probably could have said "Archive, freeze  
21 those samples, run them for the CPA that the Water Board  
22 was asking for, and then let us see the results and  
23 decide which of those samples to analyze," and it  
24 probably would have saved a lot of money.  
25 That's why we actually came back and said, Even

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1 though you spend all this money and you ran all the  
2 VOC samplings for soils, we don't agree all the soils  
3 areas have been identified, because it's -- clearly, the  
4 wash rack was potential area for the VOCs may have been  
5 used. Even though that -- that the hot spot there is  
6 not tremendous, it's about 100 parts per billion. They  
7 may have to monitor that. I mean, they go --  
8 MR. SKAREDOFF: How does that compare with,  
9 like, the drinking water standard?  
10 MR. RAMSEY: Five. You know, 5 for some of the  
11 PC- --  
12 MR. SKAREDOFF: Five parts per --?  
13 MR. RAMSEY: Five parts per billion.  
14 MR. SKAREDOFF: Billion.  
15 MR. RAMSEY: And this is around 100 parts per  
16 billion.  
17 MR. SKAREDOFF: So it's about --?  
18 MR. RAMSEY: It's less than a part per million.  
19 MR. SKAREDOFF: About 20 times the level of --?  
20 MR. RAMSEY: Twenty times in drinking water.  
21 MR. SKAREDOFF: So this --  
22 MR. RAMSEY: So --  
23 MR. SKAREDOFF: -- clearly would be suitable  
24 for drinking water; but for general health hazards,  
25 what's the standard level for that?

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1 MR. RAMSEY: Well, you know, the eco -- thi  
2 groundwater would be exfiltrating out of the ground into  
3 a creek, and it would be just pooling. It has to be way  
4 up there. It's in -- I believe it may be parts per  
5 million in the groundwater. So it doesn't represent --  
6 MR. SKAREDOFF: It's clearly not drinking water  
7 quality, but it's not from the numbers you've seen the  
8 kind of contamination which would cause health  
9 hazards --  
10 MR. RAMSEY: Right, right.  
11 MR. SKAREDOFF: -- to somebody breathing the  
12 vapors from the water?  
13 MR. RAMSEY: But some of the legal  
14 complications from the site is: The groundwater basin  
15 itself is a -- either a -- somewhere between -- we even  
16 asked for additional clarification. It's either a  
17 drinking water supply because of the fact that there  
18 is -- Contra Costa Water District has extraction wells  
19 at Mallard Reservoir. They're not used, but they are  
20 there. There may be irrigation and potentially domestic

21 water supply wells in the city of Clyde.  
22 And the groundwater basin itself for Contra  
23 Costa is -- I think by the Water Board designation is a  
24 drinking water supply. That makes that groundwater --  
25 they would have to monitor that until the groundwater --

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1 Because -- because -- Step back  
2 Because that groundwater basin is either a  
3 existing or potential drinking water supply, the Navy  
4 would have to monitor that contamination until it  
5 reaches drinking-water standards, MCLs.  
6 MR. SKAREDOFF: In time these things degrade  
7 and go away?  
8 MR. RAMSEY: We have asked for some  
9 information. Thus, we are not clear based on the  
10 results. They are looking at these parameters for  
11 biodegradation, but it's not clear how fast are they  
12 occurring.  
13 And so we ask some clarification from the Navy,  
14 "Can you --? Based on this result, do you have  
15 information to provide the rates of degradation?"  
16 Because if it -- it, in fact, appears, we don't see a  
17 lot of breakdown products from the groundwater.  
18 So if it's happening very slow, the Navy may  
19 have to continue to monitor that for hundreds of years,  
20 in which case it would be much better to get in there  
21 and do some kind of trick and dirty, the various studies  
22 that can be done in the ground for testing to do such --  
23 account the concentrations to minimize the -- the -- the  
24 length that they will have to monitor that  
25 contamination.

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1 And it's because there's certain needs. The  
2 have to put controls in, install the wells. With the  
3 golf course, there's always this potential just of a  
4 plume to somehow slip away from the Navy or something.  
5 MR. SKAREDOFF: Okay. Well, thank you, Phil.  
6 MR. MENESINI: These are . . . [inaudible].  
7 MR. RAMSEY: There is a -- there -- there is a  
8 potential for what they are called volatile organic  
9 compounds. They do volatilize. They will degrade and  
10 off gas so they can actually go from the groundwater to  
11 air. There's an indoor air pathway risk there  
12 potentially. So if you were to build a building on top  
13 of this, you may have indoor air risk.  
14 But once they are in, I mean, it still does  
15 happen pretty slow. Just like the rate of solubility,  
16 this stuff tends to very slowly get into the  
17 groundwater.  
18 The concentration we see there, because there  
19 are only 100 parts per billion, it's unlikely that the  
20 Navy -- we have what we call a DNAPL, dense, nonaqueous  
21 phase liquid, where there was a product -- pure solvent  
22 was dumped on the ground, and it's gone down to 20,  
23 30 feet to groundwater.  
24 So if that happened, we would have  
25 concentrations in the thousands, much, much higher. And

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1 because we see this low level, we have some -- you know  
2 some information regarding history. That wash rack has  
3 only been used from around '60s or so. So it doesn't  
4 have this history of going a way back in the '40s.

5 MR. SKAREDOFF: It is -- Chlorinated  
6 hydrocarbons are heavier than water, so they would tend  
7 to be in the bottom, and they might penetrate deeper  
8 than the filler, like benzene or something like that.  
9 MR. RAMSEY: Right. But we -- But you should  
10 see something at a shallow well where they have impacted  
11 groundwater. That still is going to be closest to the  
12 source area, which this well can, in spite of the wash  
13 rack, you would still expect to see something as soon as  
14 the VOCs because they have to -- there's lots -- this is  
15 fine grain soils. There would be a lot of residual  
16 contamination in the soil.  
17 MR. SKAREDOFF: So this is one right at what  
18 you would consider to be the most likely source of  
19 contamination?  
20 MR. RAMSEY: Correct.  
21 MR. SKAREDOFF: Kind of the worst case.  
22 MR. RAMSEY: Right. They have a couple of hot  
23 spots. The other is an old waste oil tank site.  
24 MR. SKAREDOFF: Okay. Well, waste oil would  
25 be, like, lubricating oil?

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1 MR. RAMSEY: Waste oil could be anything in th  
2 world, unfortunately. So we would typically think  
3 solvents could have been dumped in the waste oil tanks.  
4 MR. O'CONNELL: The contamination of the creek,  
5 is there any potential for contamination of the creek?  
6 MR. MEILLIER: Well, the creek . . . I mean  
7 it's -- I mean probably not, so -- which doesn't mean  
8 it's not occurring. I think the creek is probably far  
9 enough from the plume for being prevented for being  
10 contaminated.  
11 And the second point is: The creek is  
12 probably -- it probably doesn't flow year-round because  
13 of the climate.  
14 So, I mean, I want to ask, one -- one concern  
15 also is the -- the end product of the chlorinated  
16 compound degradation is vinyl chloride which half-life  
17 which means concentration of that compound after --  
18 after half of the concentration has decreased, it's  
19 pretty high.  
20 So that means that the legacy of those -- of  
21 those chlorinated compounds in the water will probably  
22 be there for a while because of the fact that vinyl  
23 chloride also has objective will withstand water because  
24 of its degradation, the fact that its degradation is  
25 pretty slow.

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1 So I was going to add this, and also I wante  
2 to add the fact that water will generate compound; and  
3 we agreed on EPA -- with EPA on the fact that the soil  
4 gas needs to be -- needs to be analyzed and calculated  
5 because of the potential for migration to buildings and,  
6 therefore, the exposure of workers or residents there.  
7 They are not a concern for the Water Board, as  
8 Phil was -- mentioned the waste oil tank as well as the  
9 USDC sites there as well as the closed-down gasoline  
10 station, which might explain that hydrocarbon on the  
11 wells.  
12 And so -- okay. So then, you know, that's what  
13 I wanted to bring up.  
14 MR. RAMSEY: I was actually going to -- Just  
15 got through one of my letters. But that was a long one.

16 That was a long one, actually. And maybe just -- if I  
17 just take a couple minutes --  
18 MR. SKAREDOFF: I have a couple of little  
19 follow-up questions.  
20 You mentioned the gas station. Now, this gas  
21 station was there a long time ago and still had leaded  
22 gas in it. Has anybody looked at lead?  
23 MR. MEILLIER: Yes. It's a requirement. If  
24 for -- if for -- For any hydrocarbon compound that are  
25 not actually not diesel or jet fuel, we require the Navy

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1 to sample for MTB, even if the gasoline was used prio  
2 to --  
3 MR. SKAREDOFF: Not MTB. Lead.  
4 MR. MEILLIER: But -- and -- and also lead.  
5 MR. SKAREDOFF: MTB will degrade eventually,  
6 but lead is there forever.  
7 MR. MEILLIER: Yeah. So -- But lead, yes. We  
8 do require them to sample for total lead as well as  
9 tetraethylene lead, and so those are the compounds that  
10 were provided to the Board for review.  
11 MR. SKAREDOFF: Were they found? Were there  
12 any --? Was any found?  
13 MR. MEILLIER: I don't think they -- I don't  
14 think they presented that data on that report, if I  
15 remember correctly.  
16 MR. SKAREDOFF: Okay. So we don't know.  
17 MR. MEILLIER: It's -- That was -- That  
18 report focused on the chlorinated hydrocarbons.  
19 There were some data points that were provided  
20 that had the hydrocarbon that were not chlorinated  
21 hydrocarbon, because I'm required to provide them both  
22 for USC sites. But the report was not a site closure, a  
23 hydrocarbon site closure. So -- But that would be a  
24 requirement.  
25 MR. SKAREDOFF: So are we still expecting some

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1 analytical data  
2 MR. MEILLIER: So that -- that's another --  
3 The Navy is handling -- handling petroleum sites,  
4 petroleum nonhydrocarbon sites, differently than they  
5 handle those sites.  
6 And so therefore, it goes out USD sites or fuel  
7 line sites. And those are usually more fungus sites.  
8 And the EPA doesn't have the purview or typically  
9 regulate those sites; and therefore, I have separate  
10 meetings with the Navy regarding the sites, and there's  
11 a program that addresses those sites.  
12 MR. SKAREDOFF: Okay. I guess I'm not -- still  
13 not clear. Has that program been executed? Is it going  
14 to be executed?  
15 MR. MEILLIER: That site has not been yet  
16 characterized by the Navy.  
17 MR. SKAREDOFF: Okay. So that's still coming?  
18 That information is still --?  
19 MR. MEILLIER: That information should be  
20 coming, yes.  
21 MR. SKAREDOFF: Okay.  
22 MR. MEILLIER: But it's -- you know, it's --  
23 MR. SKAREDOFF: We just don't have it.  
24 MR. MEILLIER: It's a -- What the Navy --  
25 MR. SKAREDOFF: Well, I'm just trying to



1 understand where we are. So I guess the -- the -- w  
2 discussed chlorinated hydrocarbons. Now we have these  
3 others. Now we have possible lead. And the -- the  
4 answer, I guess, is: That's work in progress?  
5 MR. MEILLIER: Right. But I can tell you,  
6 since I've started tenure with that project, I have not  
7 yet seen any report relating to that specific site and  
8 that specific problem.  
9 So I understand the site is in -- you know, in  
10 the plans somewhere, but it's not high priority site for  
11 the Navy as petrol- -- as in the petroleum-owned  
12 program, per se.  
13 MR. SKAREDOFF: So it's in the works somewhere  
14 or other? We don't know the --?  
15 MR. MEILLIER: I don't know the priority that  
16 the Navy has set for it.  
17 MR. SKAREDOFF: Do we know?  
18 Okay. One last thing. I was trying to follow  
19 your initial talk -- talks about the degradation of the  
20 chlorinated hydrocarbons. And if I understand you  
21 correctly, one of the degradation products is vinyl  
22 chloride.  
23 MR. MEILLIER: The end product. The end  
24 product of the degradation of chlorinated hydrocarbon.  
25 For example, tetraethylene --

1 MR. SKAREDOFF: The degradation -  
2 MR. MEILLIER: -- is vinyl chloride.  
3 MR. SKAREDOFF: Is vinyl chloride monitored?  
4 MR. MEILLIER: Excuse me?  
5 MR. SKAREDOFF: Is the vinyl chloride monitored  
6 as one of the --?  
7 MR. MEILLIER: Is the vinyl chloride monitors?  
8 MR. SKAREDOFF: Monitored.  
9 MR. RAMSEY: That's the last chlorine solvent  
10 in that degradation process.  
11 MR. SKAREDOFF: So that -- that stuff's worse  
12 than anything else in there. That is some seriously bad  
13 stuff.  
14 MR. MEILLIER: Right, and that vinyl chloride  
15 degrades into hydrochloric acid and CO<sub>2</sub>.  
16 MR. SKAREDOFF: Eventually?  
17 MR. MEILLIER: Eventually, right. But -- but I  
18 said that -- that's --  
19 (Simultaneous colloquy between  
20 Messrs. Meillier and Skaredoff.)  
21 MR. MEILLIER: Right. My point is that  
22 degradation is the last step. Takes a lot of time,  
23 because it takes a lot of energy for microorganisms to  
24 degrade vinyl chloride into CO<sub>2</sub> and HCL. And so  
25 therefore, you know, it's a condition that's, you know,

1 required time and energy  
2 MR. SKAREDOFF: Has vinyl chloride been looked  
3 for?  
4 MR. MEILLIER: Vinyl chloride in that  
5 report . . .  
6 MR. RAMSEY: They -- they run the whole sweep  
7 of VOCs.  
8 MR. SKAREDOFF: And that's part of --  
9 MR. RAMSEY: There's several dozen analyzed  
10 that are tested when they run the sample, and so it was

11 not detected.  
12 MR. O'CONNELL: We are getting away from the  
13 point on this thing.  
14 MR. SKAREDOFF: Okay. Well, thank you. I'll  
15 stop now. This --  
16 MR. O'CONNELL: Probably save it for another  
17 meeting.  
18 MR. SKAREDOFF: Yeah. Well, this is very  
19 enlightening because it really to me clarifies that  
20 whole position on this whole stuff.  
21 MR. O'CONNELL: I agree.  
22 MR. SKAREDOFF: Which before that, I got to  
23 tell you, it was just very unclear to me.  
24 MR. MEILLIER: And I am sorry. I haven't  
25 provided you copies of the letter as EPA did, but I hope

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1 that you do receive copies I sent to Marcus  
2 MR. SKAREDOFF: I've been getting lots of  
3 E-mails, and I've been trying to read them all. You  
4 guys are very good at explaining this stuff.  
5 MR. O'CONNELL: Evelyn, you've been straining a  
6 little there.  
7 MS. FREITAS: I'd like clarification on a couple  
8 things before we go any further. I'd like to know if we  
9 are getting a 30 days' extension. I wrote a letter over  
10 a week ago and haven't received an answer.  
11 MS. MORLEY: I would ask in the future,  
12 especially during the holiday times, no one was, so I  
13 just got it Friday. But we agreed to a 30-day extension  
14 on the first three. I don't have your E-mail with me,  
15 which -- I don't know if you have yours with you.  
16 MS. FREITAS: I didn't bring it, and I was  
17 looking for it.  
18 MS. MORLEY: There was the documents that you  
19 received in October. So you have one more month from  
20 today, which will be February 6th.  
21 The last two documents you haven't received  
22 yet, so we can't give you an extension yet on something  
23 you haven't received.  
24 And then the final ROD, we are not giving a  
25 official extension. However, I will tell you that we

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1 I don't have money for that yet, and it's not proceeded  
2 So --  
3 MS. FREITAS: Explaining the ROD on --  
4 MS. MORLEY: -- 13, 17. So if you want to look  
5 at yet. It's not proceeding at this time.  
6 MS. FREITAS: And with the change of  
7 regulators, how is this going to affect with -- with Gil  
8 leaving that -- okay, so where does that leave us on our  
9 chain of command? What -- what's going on? And --  
10 MS. MORLEY: Well, actually, I don't know, as  
11 far as EPA West is concerned. And they are not  
12 regulators. Regulators are the DTSC, Water Board, and  
13 EPA. So there's, like, the Navy and there's the  
14 regulators.  
15 However, if you have a question, just let me  
16 know, and I'll try to find out the answer for you. But  
17 we don't know yet. So when we find out, we'll let you  
18 know.  
19 MS. FREITAS: I just have this feeling that we  
20 are going to be starting, you know, I mean, 'cause I  
21 know David -- I can tell by his body language tonight

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22 he's very angry and, you know --  
23 MR. BAILLIE: I'm not angry.  
24 MS. FREITAS: -- frustrated because --  
25 MR. BAILLIE: Thank you.

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1 MS. FREITAS: -- you know, there's all thi  
2 information. And I'm sure you are not up to date on  
3 everything and -- and all things.  
4 And this is what I'm concerned about: I -- I  
5 don't want to see this changing of the guard and all  
6 this . . .  
7 MS. MORLEY: I know, Evelyn. I know. I really  
8 can't tell you anything at this time because I don't  
9 know.  
10 MR. BAILLIE: Frankly, it's all -- you know,  
11 it's pretty much a surprise to us, and I think John in  
12 the office found out, I understand. And you know, we're  
13 going to have to -- obviously, it's going to have to be  
14 figured out.  
15 I think we all share the same concern for  
16 continuity and for having a competent, strong project  
17 manager, because we all want that. We all need that.  
18 We all want to make sure the project moves forward; and  
19 just for selfish reasons, it makes all our jobs a lot  
20 better because we're going to be able to get our  
21 concerns addressed.  
22 MS. MORLEY: Right.  
23 MR. BAILLIE: So that's -- that's -- that's  
24 clearly a top priority for the Navy team to figure out  
25 how that's going to happen, you know, what -- what's

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1 going to be put in place; and we'll be working throug  
2 that over the next, you know -- in the coming days in a  
3 week or two.  
4 MR. O'BRIEN: Could we --? So could we in the  
5 future allow more sufficient time for this component in  
6 the meetings?  
7 And I would like to request, Phillip, if you  
8 would address your sec- -- the time allotted at our next  
9 meeting if you would address this second letter, your  
10 comments on this second letter in the litigation side.  
11 MR. RAMSEY: That's fine. I just want to defer  
12 it this time. I just -- just --  
13 Just for the record, then, I did issue two  
14 other letters this month. I mean, these are the things  
15 I was involved with.  
16 Again, in following the SMP and the schedules  
17 we do at the Navy, provided comments on the -- it's a  
18 draft final litigation area, a five-year review, post  
19 remedy five-year review. And it's a draft final  
20 version, and it's been about a year in the making to get  
21 the draft final version out. So we provided comments on  
22 that.  
23 Did want to point out, if I may, we did invoke  
24 a speedy resolution on that, because we weren't entirely  
25 satisfied with the information provided. Because it's a

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1 draft final version, we have to, in following the FF -  
2 Federal Facilities Agreement, need to invoke informal  
3 dispute with the Navy to resolve the issue regarding the  
4 deficiency in a report, which is monitoring at the  
5 litigation area.

6 And then on the 27th, I issued a letter on the  
7 draft feasibility study for Site 27, which is a little  
8 chemical testing building in the inland area, and pretty  
9 straightforward comments. I think we're consistent with  
10 the discussion we had last month, I believe, or month  
11 previous to that. Thanks.

12 MS. MORLEY: Do you want to speak for Jim?

13 MS. P. RYAN: Sure. I'm not the technical  
14 representative, but I just want to comment about the  
15 logic of looking at the area as a whole; and I really  
16 support that concept, but we have to remember that we  
17 run into problems because of private ownership,  
18 contamination, and all the legalities associated with  
19 that.

20 I think it would be good if we could develop a  
21 way to keep more of a kind of communication with the  
22 sites, though. And I can ask my department, perhaps we  
23 can give a presentation, if you'd like one, on our  
24 involvement in the sites.

25 MR. O'BRIEN: What exactly are you referring

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1 to

2 MS. P. RYAN: Chemical Pigment Allied  
3 replacement.

4 MR. O'BRIEN: Right.

5 Well, I -- I have some questions too about the  
6 comments you made in your letter, Phillip. So can we  
7 postpone this till the next meeting, then?

8 MS. P. RYAN: Well, I just wanted to know if  
9 the RAB would be interested in approaching the manager.

10 MR. O'BRIEN: Well, I'd like to understand the  
11 whole scope of this, and maybe you could -- both of you  
12 could address it at the next meeting, because it seems  
13 to me the EPA is saying, "Hey, Navy, you -- you're  
14 dragging your feet on this."

15 MR. RAMSEY: On what, now?

16 MR. O'BRIEN: I'm talking about the litigation  
17 area --

18 MR. RAMSEY: Right.

19 MR. O'BRIEN: -- possible --

20 MR. O'CONNELL: Hold on. Just a second. We  
21 can't -- We've got to move on here. We're still --

22 MR. O'BRIEN: Okay. Well, that's why I'd like  
23 to -- let's take it up at the next meeting.

24 MR. O'CONNELL: I think what we need to do is  
25 start building an agenda for the next meeting.

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1 MS. P. RYAN: Well, that gets back to m  
2 question, approach my department and ask --

3 MR. O'BRIEN: Please.

4 MS. P. RYAN: Okay.

5 MR. MENESINI: And the notion that we could  
6 have some subcommittees working on some of these issues,  
7 I personally enjoy the give-and-take, but I -- you know,  
8 I -- I'm reluctant to jump in on technical questions.  
9 It might prolong our evening.

10 And I just need a subcommittee, and not to lose  
11 any of these concepts in subcommittee so that it doesn't  
12 get to the floor here, but to clarify them in  
13 subcommittee so that a committee might report back here.

14 MR. O'CONNELL: I have a little bit of a  
15 problem with that, Mario. It's difficult because we  
16 have agency staff people who are on payroll for this;

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17 and plus, they have -- their schedules are so much  
18 constrained. So it's sometimes difficult to get them --  
19 they are not available for subcommittees.

20 MR. RAMSEY: You know, I think actually on  
21 these kind of technical issues, that would be -- I mean,  
22 we'd be more than willing to sit down and meet with you  
23 folks to informally discuss the agency, you know,  
24 positions, whatever it takes to move on the project.

25 MS. P. RYAN: I agree with Mario. Many local

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1 RABs, like Alameda and Mare Island, and the technical  
2 committees come forward with their findings in what they  
3 are doing; and so a lot of what we are talking about can  
4 be discussed at the committee level, and people are  
5 welcome to be involved in those committees. I know our  
6 department supports committees.

7 MR. MEILLIER: I'm not sure if there will be  
8 staff resources from . . . [inaudible].

9 THE REPORTER: I'm sorry. I'm having  
10 difficulty --

11 MR. MEILLIER: I'm not sure --

12 THE REPORTER: -- hearing you.

13 MR. MEILLIER: I'm sorry. I am stating that I  
14 am not sure that there is -- there will be staff  
15 resources to attend those subcommittees -- those  
16 technical subcommittees.

17 I personally would prefer that subcommittees  
18 are formed and -- and discuss those issues and that  
19 questions are presented during the RAB meeting. And --  
20 and that is -- basically was in the agenda form. I  
21 would prefer that solution then and then creating --  
22 separating committee I would have to attend I'm pretty  
23 sure presenting these to my boss. I'm pretty sure I'm  
24 available. I would not be able to --

25 MS. P. RYAN: I want to further mention,

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1 everybody knows the state budget is in a crunch, and so  
2 we have been asked to step back.

3 However, I know that there are subcommittees I  
4 believe at Alameda where they have agency representation  
5 and was moving forward with their own special meetings  
6 on discussion and develop questions, and then perhaps  
7 they have succinct questions relative to perhaps the  
8 document like this that they all agree upon, and it just  
9 helps move the agenda along a little bit faster.

10 MR. PINARD: Tom Pinard.

11 I -- There are a number of RABs that I know of  
12 in the Bay Area also have subcommittee meetings, and  
13 often they will be during the day because members of the  
14 RAB, if they are in a situation if they are retired or  
15 not working and that type of thing, at that -- with that  
16 convenience, they get together during the day and  
17 either -- either as a separate committee and/or with the  
18 Navy. So that can -- or/and possibly with other  
19 agencies.

20 So that might work too. I mean, I know those  
21 are possibilities.

22 MR. O'BRIEN: I want to go on record as saying  
23 that I'm opposed to subcommittees.

24 I think this discussion with Phillip tonight  
25 was very, very important and almost central to what we

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1 are doing. We have to rely on the regulators who are  
2 there to decipher these technical issues, and I think  
3 this is very valuable, and I think it ought to be done  
4 on the record.  
5 MR. MENESINI: I'm entirely in agreement, even  
6 though I propose using subcommittees, because, you know,  
7 the questions that Igor has presented tonight were  
8 critical to understanding some of the documents we  
9 received. And I think everybody knows I sometimes call  
10 him and ask him what part of the documents he's read,  
11 and would he be willing to --  
12 But -- but my -- my concern is that there are  
13 so many issues that may be lost that we don't discuss  
14 in -- in this manner because of time being taken up  
15 here; that -- that we would be able to flush out much  
16 more in a subcommittee, a small group interaction, than  
17 we can here in a larger group, and I -- I would propose  
18 that we wouldn't lose anything by using subcommittees.  
19 MR. SKAREDOFF: Well, Mario, I guess my -- my  
20 response is that this isn't the only thing I do either,  
21 you know. And I don't really know how many more  
22 meetings are available on my calendar for me to go to.  
23 And, you know, I -- I guess I'm concerned that  
24 if you have, like, subcommittees and they hash these  
25 things out in detail and then they come back and make a

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1 report back to the larger group, well, that in itself is  
2 going to carve out a piece of a larger agenda anyway.  
3 And if you're going to understand all this  
4 stuff, you have to do it in a subcommittee and then have  
5 to then understand it all over again in a larger group,  
6 I wonder if that's really very efficient use of  
7 everybody's time.  
8 MR. O'CONNELL: I think we should revisit an  
9 issue about a year ago, and that is: We're behind  
10 schedule. We're giving ourselves two hours --  
11 THE REPORTER: Can you speak up a little bit,  
12 please? Can you speak up, please, a little bit?  
13 MR. O'CONNELL: I think we should revisit the  
14 concept of whether we don't need -- whether we should be  
15 adhering to a timely agenda or whether we should just  
16 finish the business on the agenda.  
17 We're now -- It's 8:25, and we're at a point  
18 where we probably should have been about an hour ago,  
19 and we have a lot of business.  
20 Does --? How do people feel about staying  
21 until 10:00 or 10:30?  
22 THE REPORTER: No.  
23 MS. MORLEY: Also, we have to pay \$150 an hour  
24 for our overtime to the court reporter to stay after two  
25 hours.

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1 THE REPORTER: If it's -- If I last and I make  
2 not.  
3 MR. SKAREDOFF: Well, this -- it's a  
4 philosophical question. Is it important to get through  
5 the items, or is it important to kind of get through  
6 them in a way that is -- drives towards a closure?  
7 MR. GRIFFITH: I think the question is beyond  
8 that, goes towards what our agenda is in the first  
9 place. We have to make a choice about whether we follow  
10 this format or a more detailed discussion. It's a  
11 question of replacing the items on the agenda for

12 future. It's a decision of what's effective for all of  
13 us.

14 MS. MORLEY: So, like, with what Ray said,  
15 maybe give forty-five minutes for the RPM updates and  
16 interaction and only have, like, one presentation so  
17 that we have time? Okay.

18 MR. SKAREDOFF: I think that's a very valuable  
19 thing. This -- I mean, having everybody here and being  
20 able to get input from, you know, a broad range of  
21 people is really, really powerful; and you get so much  
22 more done in so much shorter time than you do by trading  
23 tons of E-mails and yards -- cubic yards of binders. I  
24 mean, I've got two boxes of these binders. I probably  
25 don't have as many as most of you.

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1 MS. MORLEY: Okay. Well, we'll make that -  
2 when we do up the agenda for next time, we'll make sure  
3 we get more space.

4 I only have one other presentation. Are you  
5 done?

6 MR. RAMSEY: Yes. But the only thing I was  
7 thinking during this little break I had was -- was: We  
8 also had some lie -- by next month if we are coming back  
9 and still talking about litigation area, which the Navy  
10 should be -- all these things are kind of moving on as  
11 we're responding.

12 So my challenge is: We're trying to move  
13 things along; and, you know, we're really always between  
14 a rock and a hard place. And a lot of folks have  
15 expressed opinion that we move too fast.

16 The EPA Superfund over the last ten years  
17 reports received all kinds of criticisms. Of course, we  
18 never make any decisions, and so we're trying -- we're  
19 trying to, you know, meet lots of different . . .

20 And so I'm just saying, well, next month there  
21 will be several other documents too. So we're always  
22 happy to oblige folks, but it's been my expressed  
23 opinion as I'm trying to work and keep the Navy -- these  
24 are not lifelong jobs here. I've expressed this before.

25 Some of these sites are really pretty moderate,

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1 and we're trying our best to be reasonable in using  
2 federal limited tax dollars wisely and getting these  
3 projects that should have been done a long time ago. So  
4 we are just trying to meet various interests in doing  
5 that is all. But I'm more than happy to, you know, do  
6 whatever I can.

7 MS. MORLEY: Well, did you have --?

8 MR. MEILLIER: Yeah. Well, I'm just going to  
9 add . . . [inaudible] generating on the SWMUs site,  
10 litigation area, and the site data site visit at the  
11 litigation area February 23rd and to make sure also  
12 that's a toxic waste picture was taken, picture, and  
13 also and documented of the wetlands there [inaudible].

14 And finally, I'm also -- I also coordinated  
15 with the Navy as well as with Tetra Tech --

16 MS. FREITAS: Could you talk just a little bit  
17 slower?

18 MR. MEILLIER: Sure. I also coordinated with  
19 the Navy as well as Tetra Tech in terms of the sampling  
20 location and of the AOC 1 additional sampling.

21 AOC 1 is the area of concern No. 1, which is  
22 part of -- well, it's going to be part of the litigation

23 area, but it's closer to the litigation area; and the  
24 Navy is currently sampling some additional sites that  
25 characterize contamination.

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1 And the Navy completed that sampling, and th  
2 sampling was -- composite samples taken, and I suggested  
3 that we should have the discrete sample to get a good  
4 spatial resolution of the contamination there.

5 And so therefore, I reviewed the data that was  
6 generated by the RAB in terms of the composite sampling  
7 and suggested -- we actually borrowed the money, Water  
8 Board money, to -- to send actually additional discrete  
9 sample for analysis to get a better spatial resolution  
10 of the contamination there, and as well conferred with  
11 the Navy in terms of moving the monitor well closer to  
12 the Contra Costa parking station that characterize the  
13 waste that is found beneath the pumping station that has  
14 been left in place.

15 Otherwise, this is all I have to report.

16 MS. MORLEY: Okay. You guys have a document  
17 tracking sheet for your upcoming review of documents.  
18 And the status of the IR update, Jesse has been busy  
19 putting documents in the informational repository. I'd  
20 say we are about 90 percent done. They are putting in a  
21 few more documents tomorrow, which should take us to  
22 about 95 percent, and then start working on the index.

23 We finally found out that we can't use the  
24 index for the administra- --

25 MS. ATTENDEE: I just wanted to note, the

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1 document tracking sheets that were passed out don'  
2 reflect what they have a mentioned earlier that these  
3 three documents will pursue the period for the RAB.

4 MS. MORLEY: The three that show RAB comments  
5 during December will now be February 6.

6 So they will be working on the index which will  
7 be -- you'll have an index by site, by date, and by --  
8 yeah, that's it.

9 MS. FREITAS: February 6. Okay.

10 MS. MORLEY: I forgot the third one. It's by  
11 site, by date, and by title of the report. Thank you.  
12 And then that should be within two or three weeks, and  
13 then that should be complete update on the informational  
14 repository finally. So . . .

15 Does anybody else have any comments on agenda  
16 item?

17 MR. SKAREDOFF: I'm sorry. I wasn't able to  
18 find it until you were almost finished. But the change  
19 in the date is these three right here (indicating)?

20 MS. MORLEY: Yes. February 6th.

21 Before we break for the RAB members to elect  
22 their new cochair, we wanted to give Marcus a letter of  
23 appreciation.

24 MR. BAILLIE: I have a small presentation I'd  
25 like to make to you, Marcus, on behalf of the commanding

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1 officer Captain Rusty Mirick. And I'll just -- I'll  
2 just read the letter, because I know he appreciates the  
3 RAB's efforts and participation.

4 Dear Mr. O'Connell:

5 I would like to thank you for your  
6 leadership and support in re-starting the Naval



7 Weapons Station Seal Beach Detachment Concord  
8 Restoration Advisory Board.

9 For the past year you have dedicated  
10 much time and effort while co-chairing the RAB.  
11 Under your leadership, the RAB has grown into a  
12 diverse team of dynamic individuals willing to  
13 spend their time discussing the Installation  
14 Restoration program and providing helpful  
15 feedback. Your first-rate research ability and  
16 unflagging commitment has provided the team  
17 with valuable information and direction. Your  
18 constructive criticism of the public  
19 participation process has helped the Navy to  
20 build a more effective RAB and to become a  
21 better neighbor. In particular, you were  
22 instrumental in establishing by-laws and a  
23 charter to ensure the smooth operation of the  
24 RAB in the future.

25 On behalf of the entire RAB

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1 membership, I thank you for your tireless  
2 efforts.

3 (Applause.)

4 MR. O'CONNELL: I appreciate that. I don't  
5 have a whole lot to say. I've enjoyed being on the RAB.  
6 I'm certainly frustrated by the process, and I -- I  
7 can't hide that. I have appreciated both of you. I  
8 appreciate working with the regulators and my fellow  
9 community members.

10 I -- I -- While I've enjoyed this, as I say,  
11 I'm very frustrated with the process. I'm frustrated by  
12 the fact that community members in our community have  
13 very little weight on what actually happens. They are  
14 strictly advisory.

15 We are asked to put in a hell of a lot of time,  
16 as you said, "cubic yards" of stuff. We read this, and  
17 we go through this to do due diligence, and not a heck  
18 of a lot comes out in the end, except more critical.

19 I got to hand it, it's an important process.  
20 It's the only -- the only one we have into this process.  
21 So it's important that we stay with it even with its  
22 limitations.

23 So, as I say, again, I appreciate working with  
24 everybody here.

25 And now let's go on to my favorite part of

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1 this; and for that we have to do tonight bylaws, which  
2 by the way were signed this evening. So they are all  
3 legit as of this meeting as of tonight.

4 We need to select a new community cochair and  
5 new alternate community cochair. And I suggested what  
6 we do is take the community RAB members and go out in  
7 the hall and caucus a little bit, all of us, and  
8 basically come back in with new people selected. Do it  
9 within -- not too long. I don't think there's probably  
10 a stampede to take the position.

11 Let's take a break. Community members, go out  
12 in the hall.

13 (Recess 8:35 p.m. to 8:41 p.m.)

14 MR. O'CONNELL: We have elected Evelyn Freitas  
15 as community cochair. We've elected Mary Lou Williams  
16 as an alternate. So --

17 (Applause; colloquy off record.)

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18 MS. MORLEY: Okay. We are going to table the  
19 training presentation on the CERCLA process to the next  
20 meeting. So we'll go ahead with the technical  
21 presentation on tidal area Sites 2, 9, and 11.  
22 MS. P. RYAN: Excuse me. Can I say one thing?  
23 MS. MORLEY: Sure.  
24 MS. P. RYAN: I've got to congratulate Evelyn  
25 and welcome her.

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1 And also anybody in the audience who would be  
2 interested in being a RAB member, you can have an  
3 application. We'd love to have more members. So keep  
4 that in mind. Thank you.  
5 MR. SKAREDOFF: I'll second that.  
6 MS. PIMENTEL: I'm a little surprised. I  
7 thought I was not going to present and now I am.  
8 So . . .  
9 My name's Emily Pimentel, and I am the project  
10 manager for the tidal area sites, and I'm happy to be  
11 here. So I'm going to give an overview --  
12 MS. K. RYAN: Point it towards that, the  
13 projector. Other button. Opposite button. It's up.  
14 MS. PIMENTEL: Oh, I see. Sorry.  
15 MS. K. RYAN: Did you go too far?  
16 MR. ATTENDEE: Put the laser on stun.  
17 (A slide show is presented.)  
18 MS. PIMENTEL: Okay. What I'd like to begin  
19 with is a map. And I'd like to point out the tidal area  
20 sites. And there's a little beam light, but I'm not  
21 going to use it.  
22 This area is the tidal area sites, and it  
23 actually is an area of about 100 acres. And the tidal  
24 area sites consist of the area that's Site 2, which is  
25 called the R Area. There's Froid and Taylor, which is

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1 Site 9; and there's Site 11, which is the Wood Hogge  
2 Site.  
3 And there's also an area in the investigation.  
4 It's called Otter Sluice, and it's an artificial  
5 channelized slough. It's a artificial man-made canal as  
6 a result of the diking of the tidal area which was  
7 designed to drain the water out.  
8 And this Otter Sluice actually borders the  
9 R Area. It discharges, and it's -- it discharges into  
10 Suisun Bay, discharges water from the tidal areas of  
11 Site 2, Site 9, and Site 11. It's generally this whole  
12 area in here.  
13 The other thing I want to point out is the  
14 relationship of the tidal area of the other sites. This  
15 is the litigation area here, and this is the inland area  
16 here.  
17 If you look at your handout, which you  
18 hopefully all have, there's a site map which shows a  
19 more detailed map of the tidal area sites. This is the  
20 R Area, Site 2. This is the Froid and Taylor, Site  
21 No. 9, and this is the Wood Hogger area. And then Otter  
22 Sluice area runs the border of this area right here  
23 [indicating]. And what you see here is the sample  
24 locations for the remedial investigation, which was --  
25 conduct the tidal area sites.

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1 And I -- this presentation is not real

2 technical in nature from the standpoint of getting into  
3 the details of the remedial investigation. It's really  
4 to give you an overview, an introduction to these sites,  
5 because it's been a while, I understand, since you've  
6 seen the map.

7 And the purpose of the site is to give you an  
8 orientation of site as shown, the spatial distribution  
9 of all the samples that have been taken in the tidal  
10 area.

11 MR. SKAREDOFF: Excuse me. That area, Site 1  
12 there, right there, that's the old municipal dam, is it?

13 MS. PIMENTEL: Actually, that's called a  
14 landfill, tidal area landfill. And the tidal area sites  
15 did include -- in fact, the original remedial  
16 investigation report included the landfill.

17 At this time, though, the landfill has not been  
18 included in my presentation because the Site 1 area is  
19 being done under a different tract that's currently at  
20 the ROD stage, and I'm not personally involved with that  
21 investigation.

22 MR. SKAREDOFF: Okay. So that's the site that  
23 if you were out there, that's kind of a raised area?

24 MS. PIMENTEL: This is the landfill. This is  
25 the --

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1 MR. SKAREDOFF: That's kind of ri- -- raise  
2 area, and the rest of this -- is that really low wetland  
3 area?

4 MS. PIMENTEL: Yes, it is, and the -- just to  
5 give you an overview on the relationship of the sites.

6 Just a brief history on the history of  
7 operation: Prior to 1927, this was a ship-building  
8 company, and 1927 the Navy acquired the site, and it was  
9 acquired for ordnance storage and handling.

10 In 1942 there was a waterfront facility which  
11 was begun here, and standpoint of time in 1944 Port  
12 Chicago.

13 In 1999 more of the present -- the tidal area  
14 site -- part of it was -- well, there was a permit  
15 issued to the US Army for munitions handling. So that's  
16 the status. But for the most part, the tidal area sites  
17 have been inactive.

18 Towards the previous investigations, there's  
19 been a initial assessment study that was performed in  
20 1983, and that was what I would call more discovery of  
21 Phase I, or a preliminary assessment of the site  
22 investigation is really designed to do a very discovery  
23 phase type investigation to identify general  
24 contaminants of concern and a general idea of where they  
25 are and what kind of contaminants might be, and it

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1 really sets the stage up for the more detaile  
2 investigations I followed after that.

3 There is also -- was a site investigation in  
4 1992, and then there's also been a type of facility  
5 assessment, Resource Conservation and Recovery Act,  
6 which was a separate regulation from CERCLA. And under  
7 this regulation, it really is designed to look at  
8 operating facilities which -- at the time, and the --  
9 the tidal area of Concord was an active facility.

10 So there were certain operations which are  
11 looked at under a different statute, which was RCRA, and  
12 that was in 1992.

13 And there's a couple of solid waste management  
14 units that are in the tidal area sites, and those are  
15 not part of my -- in my presentation, but -- in terms of  
16 our investigation, but the data from those  
17 investigations were used in our investigations.

18 So in addition to that, there was a limited  
19 confirmation study in 1993, and that confirmation study  
20 was limited in the sense that there was about ten years  
21 of time since the initial discovery phases. So there  
22 was an opportunity to just reconfirm some of the  
23 information, look at quality-control issues, for  
24 example.

25 And then in 1995 and 1998, that's when we did

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1 really a more intensive remedial investigation at the  
2 site and -- which is really where most of the emphasis  
3 in terms of what I've worked with in terms of data.

4 To begin with, in terms of an open site, the  
5 R Area, which is Site 2, it's about 66 acres, and it's  
6 bordered by Baker -- Baker Road.

7 If you look at your detailed map there on the  
8 side, the Baker Road borders Otter Sluice; and then you  
9 have Pickett Road, which is on the -- on the north side,  
10 and Froid Road, which is on the south side of the  
11 R Area.

12 And this area was really used for segregation  
13 in terms of munitions repackaging. And the type of  
14 wastes that you see here are wood crates, munitions  
15 containers, steel banding, paint cans, paint waste, and  
16 wood debris.

17 The current status of this site is remedial  
18 investigation phase that's in progress. And there's  
19 a -- there's a photograph that shows the site, and what  
20 you see here is a very typical picture of the site. It  
21 has some ponded areas. It has pickleweed, and it's  
22 considered a brackish to salt marsh habitat, which is  
23 seasonally inundated.

24 And during the rainy season, this area will be  
25 practically completely flooded. And during the rest of

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1 the year, during the nonrainy season, it looks pretty  
2 much like this, except it's pretty dry, so . . .

3 You all have a picture of the landfill, which  
4 is the more elevated area right here [indicating].

5 MR. SKAREDOFF: Could we maybe turn the lights  
6 down and see this better?

7 MS. PIMENTEL: This site covers the Froid and  
8 Taylor site. This is a very small site of about  
9 4 1/2 acres. This time there really wasn't much going  
10 on on it; but the reason it wasn't included in the  
11 investigation is that there was some scrap metal debris  
12 discovered and the spent ordnance.

13 And also because of the proximity to the R Area  
14 and to the Wood Hogger Site, it was included in the  
15 remedial investigation. So it's in the R Area project  
16 in terms of status.

17 This site, the habitat includes some upland  
18 and -- which is nonnative grasses. It also has a pond  
19 that is there year round, and it also has a limited  
20 amount of wetland. And that's a pretty typical picture  
21 of this site.

22 The third site is the Wood Hogger Site. This  
23 site is about 30 acres. The -- This site was operated

24 around from 1950 to 1972, and it borders the Otter  
25 Sluice and south of -- south of Froid Road.

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1 There was some multiple operations here from  
2 1969 to 1972: There was an incinerator to wood -- to  
3 burn the woodchips. There was also crates that were  
4 treated with PCP, the crates that were used to package  
5 the munitions ordnance at the site. And there --  
6 created woodchips there. And it was also more recently  
7 used for storage of scrap metal and wood.

8 And the picture that you see here is again a  
9 pretty typical scene there. It's a paved area. It's a  
10 pretty poor habitat from the standpoint of, you know,  
11 habitat in Concord. And the tidal area as well as the  
12 entire Concord site is paved, and it does have some  
13 areas that have some upland grass.

14 It really doesn't have much wetland; but  
15 because of the rainy season and the fact that it does  
16 get inundated, we do get some periodic small wetlands in  
17 the Wood Hogger Site.

18 The other area that I mentioned is Otter Sluice  
19 is not really a formal investigation site, an RI site;  
20 but because of the drainage from these other sites drain  
21 into Otter Sluice, it was investigated.

22 And this area is about 10.5 acres. It's a  
23 year-round perennial body of water, artificially  
24 channeled. And it's -- picture right here is pretty  
25 typical straight canals that bordered the R Area, the

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1 Wood Hogger Site. So it's in the RI progress in term  
2 of status.

3 Just a review of the sites.

4 The remedial investigation objectives, which  
5 are characterize the contamination in terms of known or  
6 potential source of the chemical waste. We've developed  
7 a conceptual site model to identify transport and  
8 exposure pathways. We assess the human health and  
9 ecological risks, and we collect information in the  
10 event that we do need to have a feasibility study.

11 From the standpoint of the conceptual model  
12 that we developed for this site for exposure pathways  
13 for human or ecological receptors, we considered  
14 exposure through surface water, surface soils and  
15 sediments; and we also look at uptake by biota; and we  
16 considered the mobility and persistence of the chemicals  
17 based on their chemical properties.

18 This table here I don't want to really focus on  
19 the numbers. The reason I put some numbers here is just  
20 to give you some idea of quantity of samples that were  
21 taken at these four investigation areas.

22 In addition to that, you get an idea of the  
23 sample media that we -- that we looked at. We looked at  
24 soil and -- soil and sediment surface samples. We  
25 looked at soil and sediment subsurface samples, and we

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1 looked at surface water

2 Surface water, for example, in the slough,  
3 which is year-round, you know, that's pretty  
4 straightforward in terms of collecting samples.

5 And these other areas that have wetlands here,  
6 we are really looking at taking -- taking samples of  
7 about three times during the year. And since some of

8 these ponds are really seasonal, we would take samples  
9 whenever there was some water to sample in that area.

10 We analyze for metals and organics, and we  
11 sample the greater samples at the surface and then  
12 subsurface.

13 Some of the other parameters that we looked at  
14 were primarily to conduct the ecological risk  
15 assessment. We collect -- We get some plant and animal  
16 surveys to identify the kinds of receptors, in other  
17 words, the plant and animals that are common to the  
18 habitats in the tidal area sites. We collected other  
19 kinds of chemical analysis, like total organic carbons.  
20 We conducted waste extraction tests.

21 We conducted toxicity tests with some fish, and  
22 we collected tissue samples to do the food chain  
23 modeling in terms of the toxicity to plants and animals  
24 as well as to look at the uptake in terms of chemical  
25 uptake in tissues of plants and animals. And then we

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1 used the information to develop doses in terms of  
2 intakes for the receptors for the modeling.

3 When we conduct ecological risk assessment, we  
4 ask a question: Are the chemicals in the sediment/soil  
5 or surface water adversely affecting the wildlife? And  
6 in order to answer that question, we have to do the  
7 surveys in order to identify what are the plants and  
8 animals that are prevalent at the site. And then we  
9 select what we call indicator species to essentially  
10 help us understand what's going on with the general  
11 population there at the site.

12 And for the future modeling, we model doses to  
13 birds and mammals. And the birds that we look at that  
14 are common to the -- to the tidal area sites are the  
15 Great Blue Heron, the Northern Harrier, the Black Necked  
16 Silt, which are pictured here; and then we have a black  
17 rail which I didn't picture, and that's one of the  
18 endangered species that we also looked at.

19 And for the mammals, we looked at the river  
20 otter, the gray fox, and the endangered species the salt  
21 marsh harvest mouse.

22 We do the -- the risk assessment based on  
23 establishing assessment end -- endpoints. And these  
24 assessment endpoints look at considerations from the  
25 standpoint of protection of wetland plants or the -- the

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1 maintenance in terms of the habitat, the quality of the  
2 habitat.

3 We look at the -- assessing the impact of  
4 chemical contamination and the general protection --  
5 general well-being of populations of benthic  
6 invertebrates and fishes.

7 Same thing, we look at the well-being of the  
8 populations of birds and mammals which are at the site,  
9 and we look especially at the individual populations of  
10 the -- of the endangered species, which in this case are  
11 the California black rail and the salt marsh harvest  
12 mice.

13 And so, in other words, we ask the question,  
14 What things are -- do we value in these habitats that we  
15 then want to address in our risk assessment? So these  
16 are questions -- these are the values that we put  
17 protection of these individual receptors.

18 In order to do the assessment, we have to

19 measure the effects of chemicals on the receptors that  
20 we're looking to protect. And so what we have done is  
21 collect -- take our samples in terms of sediment and  
22 soil, and we compare them to toxicity benchmarks.  
23 We also conduct the bioassays, and we also  
24 compare it to reference sites, and we also collect the  
25 tissue samples in order to determine the impact for the

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1 sampling of whether the organisms are bioaccumulating  
2 contaminants or whether the contaminants are having an  
3 impact in the food chain.  
4 In order to do the risk assessment, we have to  
5 look at the -- each type of receptor groups. So  
6 beginning with the plants, we look at terrestrial and  
7 wetland plants.  
8 And evaluation tools that we look at, there's  
9 actually very limited tools available to do the  
10 ecological risk assessment. So we've used the best  
11 tools that we have from the standpoint of literature and  
12 consensus with the scientific community that are  
13 available for us to use. And in this case for  
14 terrestrial plants, we use the Oak Ridge National  
15 Laboratory to benchmark for plants.  
16 And then for the wetland plants, we looked  
17 at -- we looked at a couple of -- a couple of ways of  
18 looking at the wetland plants. One was to use  
19 professional judgment from the standpoint of the quality  
20 and quantity of the -- of the wetland plants, and the  
21 key plant there is the pickleweed.  
22 And the other thing that we did was to look at  
23 the litigation area site as a -- as a way to look at the  
24 well-being of the pickleweed in comparison to the  
25 litigation versus the tidal area site. There's been

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1 quite a bit of study on the pickleweed in the litigation  
2 area, so we use that information to help us look  
3 qualitatively at the health of the pickleweed in the  
4 tidal area site.  
5 For assessment risk to invertebrates and fish,  
6 we calculated what are called hazard quotients, which is  
7 looking at the concentration of the chemicals in the  
8 sediments and in surface water and comparing them to a  
9 benchmark, and we get what is called a hazard quotient.  
10 And if that quotient is greater than 1, then there's a  
11 potential risk.  
12 And we also used NOAA values for effect  
13 range -- what are called ER-L, ER-Mqs, NOAA -- NOAA  
14 benchmarks for assessing sediment quality. And we use  
15 the amphipod and fish bioassays to assess toxicity of  
16 sediments. And we also looked at bioavailability of  
17 metals by performing other kinds of tests, waste  
18 extraction tests, total organic carbon.  
19 MR. SKAREDOFF: Excuse me. This fish and  
20 amphipod bioassay, you mean you actually collected fish  
21 and these little critters and analyzed them for these  
22 contaminants?  
23 MS. PIMENTEL: We actually take -- There's  
24 actually laboratory protocols, and what you take is  
25 amphipods. You take samples of waters from the tidal

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1 area sites. You take them to the laboratory, and the  
2 they use amphipods, which are bird rid [phonetic]. And

3 they put them in petri dishes --  
4 MR. SKAREDOFF: And so . . . [inaudible]?  
5 MS. PIMENTEL: What?  
6 MR. SKAREDOFF: Basically, you take the water  
7 and see if these critters live in it?  
8 MS. PIMENTEL: Yes.  
9 MR. SKAREDOFF: Okay.  
10 MS. PIMENTEL: For the risk -- for the risk of  
11 vertebrates, which is the birds of mammals tests, we  
12 performed a food chain modeling, and this is done by  
13 again estimating what we call a dose.  
14 So we collect the sediment samples, and we  
15 model a concentration of it being ingested into the  
16 birds and mammals. And we take that dose and compare it  
17 again to a toxicity benchmark, which are based on  
18 literature -- literature values. And that gives us what  
19 is also called a hazardous quotient. And if we assess  
20 if it's greater than 1, there's potential risk.  
21 So these are very standard methodologies based  
22 on U.K. guidance and state guidance and -- and other  
23 kinds of guidance available to the scientific community.  
24 So just to give you a summary, when we do the  
25 ecological risk assessment, we take each of the four

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1 sites or each of the four areas that we are  
2 investigating; and we look at the different kinds of  
3 receptors: the plants, the benthic invertebrates and  
4 fish, the birds and the mammals.  
5 And for each one of these sites, we have to  
6 determine what kind of habitats are there, what kind of  
7 receptors are there, and then what kind of tools we need  
8 in order to test the receptors.  
9 So it's a fairly rigorous and -- and, I -- I  
10 would say, complicated process from the standpoint of  
11 getting all these things straight and in coming up with  
12 an estimate of risk. So this just provides a summary of  
13 that.  
14 We also conducted a human health risk  
15 assessment. And in fact, the human health risk  
16 assessment was originally conducted in 1999, and it  
17 concluded that was -- there was no significant risk to  
18 public health.  
19 Since we have been doing the revised final for  
20 both the ecological risk assessment and for the human  
21 health risk assessment, we considered some of the more  
22 recently available toxicity reference values or  
23 preliminary remediation goals, the PRGs, and other  
24 toxicity values that have been updated to update the  
25 human health risk assessment.

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1 And we also then did a few other things. We  
2 updated statistical methodologies. PCB calculations  
3 were updated based on the protocols for calculating  
4 that.  
5 We also updated the human health risk  
6 assessment using different values. We included the  
7 Otter Sluice in terms of the human health risk  
8 assessment was not done before, and also the landfill  
9 data was not included in our human health risk  
10 assessment since that's being performed.  
11 That's -- The landfill's being addressed now  
12 under a separate site; and as I said, my investigation  
13 includes Sites 2, 9 and 11, not the landfill. We looked

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14 at the landfill from the standpoint of potential  
15 contributor to the contamination at the site.

16 So just to give you an idea from the sampling  
17 of what is next for the tidal area sites, preview, we  
18 have revised the ecological risk assessment, and that  
19 was submitted in 2002.

20 We have received regulatory agency comments  
21 from DTSC, NOAA, EPA, and Regional Water Quality Control  
22 Board. However, because of lack of funding, we have not  
23 been able to respond to these comments.

24 In addition to that, we are expected to submit  
25 the revised draft final remedial investigation report in

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1 March of 2003, so shortly, hopefully, assuming we ge  
2 funding.

3 I -- I did want to say one more comment, and  
4 that is that the remedial investigation report is called  
5 the revised draft final, because in 1999 it was  
6 released. There was a draft final remedial  
7 investigation report released. As a result of a number  
8 of comments, though, we -- the Navy chose to revise the  
9 report again.

10 So what I'm presenting here is what was done  
11 for the revised draft final. So just want to make that  
12 clear.

13 MR. SKAREDOFF: I wonder if you could summarize  
14 what the results of these things were.

15 MS. PIMENTEL: I wish I could, but I really was  
16 not prepared to do that today. The report has not been  
17 made available to the public. So no one has the report  
18 at this time.

19 There's -- There was the ecological risk  
20 assessment which was made available in May of 2002.

21 MS. ATTENDEE: In January.

22 MS. PIMENTEL: I'm sorry. In January of 2002.  
23 And there have been comments on that, but I wasn't  
24 really prepared to talk about that report with the time  
25 today.

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1 MR. SKAREDOFF: Can you tell us whether --?  
2 guess I understand you -- you've gathered all these  
3 analyses, samples and analyzed them, made all these  
4 computer modeling based on the data and supplied models  
5 based upon how much typically under certain conditions  
6 gets absorbed by these different animals and so on.

7 So what did you find?

8 MS. PIMENTEL: Well --

9 MS. P. RYAN: When can we expect the draft  
10 document?

11 MS. PIMENTEL: Actually, the -- the revised  
12 draft final ecological risk assessment is available  
13 for --

14 MS. P. RYAN: And what about the --?

15 MS. PIMENTEL: -- the public to look at.

16 MS. P. RYAN: What about the rest?

17 MS. PIMENTEL: And the rest is March --

18 MS. P. RYAN: Okay.

19 MS. PIMENTEL: -- 2003. The remedial  
20 investigation report will be released if everything goes  
21 according to schedule.

22 MR. SKAREDOFF: Unrevised one is available. So  
23 what did that revised one say?

24 MS. PIMENTEL: I indicated -- well, no, I

25 didn't indicate. But it was that there was no

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1 significant risk

2 MR. SKAREDOFF: So the original report that is  
3 being -- this one is being in response to revision said  
4 that there wasn't anything that needed to be done,  
5 basically? Is that . . . ? Is that a fair  
6 characterization?

7 MR. RAMSEY: I mean, maybe I could probably  
8 answer. There's some things that the Navy -- evidently  
9 there was a contract -- I've been pushing for the Navy  
10 to give this presentation for a number of months. But  
11 this is the last project we have talked about to a great  
12 extent.

13 However, I'm not sure. The Navy may have  
14 actually done the presentation on the eco risk  
15 assessment, though. No? Shaking her head no. So this  
16 is the first exposure presentation by the Navy.

17 But they evidently don't have a contract in  
18 place to go through a great extent to describe the data.  
19 I was a little perplexed by getting kind of a general  
20 frame of what's going to be happening. They are kind of  
21 stopping short of providing the data. Maybe I could  
22 speak up a little bit just to fill in the gaps of what  
23 the Navy doesn't feel comfortable -- they don't have the  
24 contracts --

25 MR. BAILLIE: Part of the problem is: Congress

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1 hasn't given us the money for this year yet. S

2 therefore, the schedule that we have gotten, some of  
3 these things is sort of in a -- in a -- you know, in a  
4 quagmire until we get the funding and the money so we  
5 can get the contracts going so they can finish the  
6 analysis and put the reports together. I'm talking in  
7 general terms.

8 MR. SKAREDOFF: I'm just trying to understand  
9 what the outcome is.

10 MS. PIMENTEL: There's no significant risk is  
11 what the -- was the outcome of the original report and  
12 the current report, which was released.

13 MS. BYRNE: To any living thing? Is that what  
14 you're saying? There is no danger to any living thing,  
15 plants, animal, birds?

16 MS. PIMENTEL: Yes.

17 MS. BYRNE: Okay.

18 MR. SKAREDOFF: And the questions basically had  
19 to do with the usage, right? So one of the uses was  
20 ground-up wood, basically? And the main concern there  
21 was: Some of that wood has preservatives in it?

22 MS. PIMENTEL: Right.

23 MR. SKAREDOFF: And the other things that were  
24 there were various pieces of scrap metal?

25 MS. PIMENTEL: Right. We looked at organics,

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1 inorganics. We looked at dioxins. We looked at PCPs  
2 We looked at, you know, a full array of metals. We  
3 looked at pesticides, and we looked at metals.

4 MR. SKAREDOFF: And you never found anything of  
5 any major concern; is that reasonable?

6 MS. PIMENTEL: That's correct.

7 MS. FREITAS: Is --? Was that concurred with  
8 EPA and the water and the DTSC?

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9 MS. MORLEY: They don't have the document.  
10 MR. RAMSEY: We actually back on May 23rd -- I  
11 have a copy of my letter -- it was issue on the eco  
12 assessment. So while during my term here on the webbing  
13 station have never -- was not part of the comments on  
14 the original draft final RI report.  
15 What we received was an eco risk assessment.  
16 That was one of the reasons that they had to go back to  
17 the drawing board.  
18 And so back on May 23rd of 2002, I provided  
19 comments for US EPA on the eco risk assessment. And  
20 there was a couple of areas that we have some concerns  
21 and want to have some discussions with the Navy about  
22 the adequacy of the characterization.  
23 In particular, just to answer some folks'  
24 potential questions, there is -- was mercury detected  
25 in -- we were not sure exactly where. We didn't -- I

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1 wasn't party of the sampling. So we ask that is tha  
2 soil sample in the sediment in Otter Sluice, or is it up  
3 on the dike?  
4 So there was a mercury detection, I believe, in  
5 several places, and there's actually mercury detected in  
6 groundwater -- or excuse me -- in the surface water in  
7 Otter Sluice, and there's some questions about the  
8 detection also. That's probably one of the more higher  
9 level concerns.  
10 There was a Froid and Taylor, this little kind  
11 of crossroad no man's land in between a couple of  
12 crossroads, there is a couple of detections of  
13 semivolatile organic compounds, SVOCs, that were up  
14 there and a potential risk to the eco --  
15 MR. SKAREDOFF: Jet fuel kind of stuff?  
16 MR. RAMSEY: These are like oils, benzopyrene,  
17 PAP I believe it was, and were -- we asked some  
18 questions regarding there may need to be discussion  
19 about the adequacy of the characterization of that area,  
20 you know, is it really localized or not. So those were  
21 a couple of the comments regarding the contaminant  
22 distribution.  
23 And we had more specific comments regarding  
24 some of the statistics that were applied and how they  
25 pick certain -- what -- how -- benchmarks were there,

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1 some of the statistical numbers that are used fo  
2 background metals or -- this is all kind of some time  
3 back.  
4 MR. BAILLIE: Just so I'm following this  
5 properly, the -- those comments were on the previous  
6 draft, and then what was described here is sort of a  
7 preview of the work that's been done to address those  
8 comments? Am I --?  
9 MR. RAMSEY: Well, we would hope, right. We  
10 would hope.  
11 MR. BAILLIE: And we are waiting on money to  
12 get the final report together so that we all can  
13 actually dive into it, and you can review it.  
14 MR. RAMSEY: Right. We actually hope that at  
15 the time we wrote this letter, we had not most correctly  
16 indicated because of that eco risk assessment, the  
17 secondary document the Navy doesn't have to provide us  
18 formal response to comments.  
19 Subsequently, under the SMP, we actually had a

20 formal line item the Navy was providing responses and  
21 comments. We asked for them to identify the areas that  
22 was actually some major disagreements so we could have  
23 those discussions prior to them just making attempts to  
24 respond to our comments and produce these reports and  
25 then have us go back and say, "Let's go do this again."

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1 MS. MORLEY: This actually brings up a goo  
2 point that I'd like to get everybody's input on because  
3 we had a discussion on when is the best time to give a  
4 presentation on these sites. Some people felt like it  
5 was better to give it before the report so you had an  
6 idea what was coming.  
7 But some people didn't like that because they  
8 would forget everything that was brought up by the time  
9 that report came and wanted to be at the time the report  
10 was issued or shortly thereafter so that you'd start  
11 reviewing the report and was a little familiar with the  
12 subject matter, and then the presentation had more of an  
13 impact.  
14 And I was wondering how you guys felt about  
15 that, because this is -- this report is two months  
16 coming.  
17 MR. SKAREDOFF: I'm trying grapple with this  
18 also. This was not intended to be a report of results?  
19 This was just describing the work that was done?  
20 MS. MORLEY: No. This is a report, but it's  
21 not complete yet. That's why we didn't want to do this  
22 presentation yet because this -- we are still finishing  
23 the report. It hasn't been sent to anybody. Nobody has  
24 a copy. Nobody has reviewed it. And so we felt it was  
25 a little premature to do the presentation.

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1 MR. BAILLIE: Theresa, my take on this is  
2 This is a preview of the report that's coming out.  
3 MS. MORLEY: Right.  
4 MR. BAILLIE: It's not a complete --  
5 MS. MORLEY: Right.  
6 MR. BAILLIE: -- report. Hopefully issued  
7 tomorrow.  
8 MS. MORLEY: I think --  
9 MR. BAILLIE: The report results that's coming.  
10 MR. SKAREDOFF: I don't really have a problem  
11 with splitting it up. Basically, this was a description  
12 of the work that was done, right?  
13 MS. MORLEY: Right.  
14 MR. SKAREDOFF: But not necessarily the  
15 results --  
16 MR. RAMSEY: Right.  
17 MS. MORLEY: Right.  
18 MR. SKAREDOFF: Okay. Well, I didn't  
19 understand that. Maybe that's the problem.  
20 MS. P. RYAN: Theresa, this is a secondary  
21 document. What was the public comment relative to this  
22 if there were?  
23 MS. MORLEY: No. This is an RI. This is not a  
24 secondary document.  
25 MS. P. RYAN: Okay. I'm sorry.

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1 MS. MORLEY: It will be  
2 MS. P. RYAN: I got mixed up. So that was the  
3 other one.

4 MR. RAMSEY: Since we're commenting on the  
5 revised -- the eco --  
6 MS. MORLEY: Which the RAB --  
7 (Simultaneous colloquy off record.)  
8 MR. RAMSEY: -- commenting on the March -- on  
9 the eco risk that was being redone, and that will now be  
10 folded into this revised draft final on RI report.  
11 MS. P. RYAN: There will be a formal comment  
12 period?  
13 MS. MORLEY: Right. To answer your question,  
14 the eco as well.  
15 MS. PIMENTEL: The human health risk assessment  
16 and the ecological risk assessment are considered  
17 secondary documents; but that information gets put into  
18 the primary document, which is the remedial  
19 investigation report.  
20 And many -- you know, just again to reiterate,  
21 this document, remedial investigation report, was  
22 prepared in 1999; but as a result of extensive comments  
23 that we received from the EPA and, you know, all the  
24 other agencies, rather than just provide another set of  
25 responsive comments, we actually worked very closely

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1 over the last couple of years to make sure that we are  
2 you know, as close as we can from the standpoint of the  
3 methodologies that we -- were used to do the  
4 assessments. So . . .  
5 MS. P. RYAN: So we will be able to see this in  
6 March?  
7 MS. MORLEY: Right.  
8 MR. O'CONNELL: When was the last time that  
9 this area was subject to tidal action?  
10 MS. PIMENTEL: Subject to tidal action?  
11 MR. O'CONNELL: Subject to tidal action.  
12 MS. PIMENTEL: This whole area gets  
13 periodically inundated and -- you know, through  
14 flooding; and there is that channel that I described,  
15 which is Otter -- Otter Sluice, that is tidal of  
16 influence. So Otter Sluice is tidally influenced; and,  
17 you know, that goes on.  
18 MR. O'CONNELL: So there is tidal action now?  
19 MS. PIMENTEL: Yes, there is.  
20 MR. O'CONNELL: There -- To, say --  
21 MS. PIMENTEL: Into Otter Sluice.  
22 MR. O'CONNELL: -- Site 2?  
23 MS. PIMENTEL: I don't know that I could  
24 comment about tidal action into Site 2.  
25 MR. O'CONNELL: Has -- has part of the

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1 investigation been to -- or have you conferred with th  
2 Mosquito Abatement District about the grant that they --  
3 grant application they have to restore tidal action to  
4 much of the weapons station?  
5 MS. PIMENTEL: I'm sorry. I didn't hear your  
6 question.  
7 MR. O'CONNELL: Has -- has -- has anyone talked  
8 with the Mosquito Abatement District and learned any  
9 more about the grant that they have applied for -- I  
10 think it's about -- for about a  
11 million-and-a-half-dollar study or a million-dollar  
12 study -- about restoring tidal action to the -- to the  
13 area?  
14 MS. PIMENTEL: You know, I -- you know, I have

15 not personally.

16 MR. O'CONNELL: That's probably something --  
17 someone should probably contact -- and I'll read it into  
18 the transcript so you have it -- Alan Rhone [phonetic]  
19 who is our senior -- senior weapons scientist over  
20 there.

21 MS. PIMENTEL: I heard about that. I heard  
22 that that happened a couple of months ago.

23 MR. O'CONNELL: I think it's been in the works  
24 for quite an extended period.

25 MS. PIMENTEL: But recently --

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1 MR. O'CONNELL: You might want to speak to hi  
2 directly. I'm sure --

3 MS. PIMENTEL: Yeah.

4 MR. O'CONNELL: -- he could give you a lot more  
5 facts about that.

6 MS. PIMENTEL: I've heard about --

7 MR. O'CONNELL: The other thing is: Using  
8 pickleweed as a -- as an endpoint, this is --  
9 pickleweed -- pickleweed is an exotic in that area;  
10 isn't that true?

11 MS. PIMENTEL: Pickleweed is pretty common in  
12 the whole Bay Area.

13 MR. O'CONNELL: But, I mean, in -- in -- within  
14 this area that you're talking about, it's actually an  
15 exotic, isn't it?

16 MS. CANEPA: It's considered a sensitive  
17 habitat because it's a primary habitat for the  
18 endangered salt marsh harvest mouse. So the agency  
19 wants to protect pickleweed. They -- they don't want to  
20 get rid of it. They want to keep it there so the salt  
21 water's in force.

22 MR. O'CONNELL: So they recognize that that is  
23 an exotic?

24 MS. CANEPA: Yeah, it is.

25 MR. MEILLIER: I have a question . . .

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1 [unintelligible]

2 THE REPORTER: I can't hear you. I'm sorry.  
3 Please speak up.

4 MR. MEILLIER: I have a question which relates  
5 to the fact that statement was made that the landfill  
6 was reconsidered since the area was [unintelligible],  
7 and you mean by that in the revis- -- in the revision  
8 of risk assessments, will that mean that you will not  
9 include the landfill as a part of your study? So risk  
10 that's . . . [unintelligible].

11 MS. PIMENTEL: Well, they have already done a  
12 risk assessment originally. And for the tidal area  
13 sites, I did not include the landfill site again 'cause  
14 it had already been addressed. So we did not include it  
15 in the revised draft.

16 MR. MEILLIER: Okay. And so was it -- was  
17 it -- was that risk assessment included in the previous  
18 one before that?

19 MS. PIMENTEL: It had been included in the  
20 previous --

21 MR. MEILLIER: And so why wasn't a decision  
22 made to include it?

23 MS. PIMENTEL: Because once a site -- if you do  
24 an investigation and you do an investigation to  
25 determine if there's a risk or not and you don't remedy

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1 something unless you find that there's a problem with  
2 it, and since -- since the landfill is proposed for, it  
3 wasn't -- it did go to the feasibility study into the  
4 ROD, then it's already being taken care of.  
5 So from that standpoint, it's on its own track.  
6 And it's -- so we didn't have to address it again.  
7 MR. MEILLIER: But there might be some leakage  
8 in terms of migration from the landfill --  
9 MS. PIMENTEL: We did look at that.  
10 MR. MEILLIER: -- sections.  
11 MS. PIMENTEL: We did look at that.  
12 MR. MEILLIER: Okay.  
13 MS. PIMENTEL: Yeah, yeah.  
14 MS. BYRNE: How did the EPA get into this?  
15 This study is a report to the Navy, correct? So is the  
16 EPA a higher power? How --? Are you --?  
17 MR. RAMSEY: I'd like to think we are. But the  
18 fact -- the fact is -- just again to reiterate: The  
19 Navy for all these that are now operating bases, closing  
20 bases, the president had decided its executive decision  
21 that they are the lead in doing this cleanup work.  
22 What we are here to do is to assure -- we are  
23 kind of the keepers of the Superfund law. So we're here  
24 to assure that the Navy complies with the Superfund law  
25 the way we would do so.

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1 MS. BYRNE: But do you also do all of this  
2 investigation? We have two --  
3 MR. RAMSEY: No.  
4 MS. BYRNE: You rely on their --?  
5 MR. RAMSEY: No, we do not. We have some -- I  
6 try to use my contract resources very wisely and  
7 limited. They provide a lot of -- I have a contractor  
8 who assists me when I do my reviews because I have their  
9 people that are hydrogeologists and, you know, chemists  
10 and all these other quality-control people, and we have  
11 legal assistance and all those things that I'm involved  
12 in putting all these things together, providing my own  
13 expertise also.  
14 We can provide some backup analytical. I think  
15 the Water Board's actually done a fair amount. If we  
16 needed a few samples, Laurent has been very helpful in  
17 being able to come in and get some lab resources.  
18 It's much easier for us if we just -- we need  
19 to split a sample to get to the laboratory or collect a  
20 few more samples, we have that ability.  
21 So we're not spending Superfund dollars in salt  
22 wells and doing all the samplings and things like that.  
23 We're -- This is why we review the work plans.  
24 This is all consistent with Superfund law. You  
25 have these plans that describe everything and tell

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1 exactly how everything's going to be done: The sample  
2 are collected, results are processed, all these kind of  
3 things. And so we just assure that those procedures are  
4 done according to various laws, regulations.  
5 MS. BYRNE: Kind of a watchdog?  
6 MR. RAMSEY: We make sure that they are  
7 following -- they're following Superfund consistent with  
8 the way we would do it.  
9 MS. BYRNE: Okay.

10 MR. RAMSEY: And likewise, this is not DTSC  
11 comes in or the Water Board. I generally don't comment  
12 on the State Water Board report alone or a quality  
13 control lab. That's Laurent's job to interpret his  
14 agency's regulations.  
15 Likewise for Jim Pinasco, my counterpart with  
16 DTSC, Cal. EPA, that there are state laws. And  
17 sometimes those state laws are more stringent than the  
18 federal laws; and therefore, that's his job to say that,  
19 you know, the Navy has or has not complied with state  
20 laws sufficiently.  
21 MS. P. RYAN: My job is public participation.  
22 So what I do is ensure that the criteria relative to  
23 public involvement associated with the public Superfund  
24 CERCLA laws are met, and we have the DTSC. And my  
25 counterpart, David Cooper, who is not here tonight, does

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1 the same for EPA  
2 So we go -- that's why we go to the public  
3 meetings. We review the documents, go out to the public  
4 relative to the fact sheets, public notice and things  
5 like that.  
6 MS. BYRNE: Thank you.  
7 MS. MORLEY: Are there any other comments,  
8 then, on this presentation?  
9 Okay. Thank you, Emily.  
10 THE REPORTER: Can I take a break?  
11 MS. MORLEY: Actually, I think we're done.  
12 THE REPORTER: Great.  
13 MS. MORLEY: I would just ask, can we please  
14 postpone the RAB discussion on training, unless you had  
15 a quick comment you want to make?  
16 MR. O'CONNELL: Well, I'd like to take the  
17 opportunity to take two minutes real quick comments, and  
18 I'll be very brief.  
19 About the training, I'm not sure that we have  
20 time to have training at RAB meetings. We have so many  
21 projects going by that I think we need training at  
22 another time.  
23 Theresa and I have talked about having training  
24 done by where all RABs within the Bay Area at a common  
25 location at a common time because -- because it would be

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1 more efficient and probably more effective  
2 And there are a number of RABs here. VOD has  
3 an obligation to have an ongoing training for RAB  
4 members, and so it's something that needs -- why do it  
5 separate and do it altogether?  
6 Couple of things that we got before was a CD.  
7 This is -- We have a continued conference at Treasure  
8 Island and was like RAB training from a -- from a  
9 conference that was given in Denver. We got it from  
10 Tetra Tech. This has been very helpful to me, and I  
11 think it's the kind of thing that could be distributed  
12 to RAB members.  
13 The other thing I think would be useful is a  
14 bibliography of the federal guidelines of law, et  
15 cetera, that apply to these so that, for instance, if  
16 you were into ecological risk assessment, you would know  
17 what -- what guidelines to refer to for that to get more  
18 detail about it, and links to Internet sites for those  
19 could be found.  
20 Finally, when this is -- if this could be done



21 regionally, I notice one -- one of the problems we have  
22 talked about training, we -- we're trying to talk --  
23 tell -- talk about what we don't know, which is a pretty  
24 difficult thing to do.  
25 I looked into the University of California U.C.

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1 extension catalog, and they have actually a certificat  
2 program for hazardous materials management. And we are  
3 not really into hazardous materials management, per se,  
4 but there's a lot of overlap between what they are doing  
5 and what we have.  
6 And I was thinking that these -- since they  
7 have a program and we're doing things like groundwater  
8 and soil remediation and stuff like that probably in  
9 sight to bio remediation, I thought maybe they could be  
10 contacted to see if we could maybe get some of their  
11 guest lecturers to give us some of this material in  
12 somewhat abbreviated material and customized to the uses  
13 of maybe our RAB, and maybe even better if we could get  
14 a whole lot of RABs together.  
15 I think the cross fertilization of getting RABs  
16 throughout the Bay Area, let's say, meet once a month at  
17 Treasure Island -- they have wonderful facilities. It's  
18 central. The cross fertilization would take place. The  
19 friendships would be gained . . . [unintelligible].  
20 MS. P. RYAN: I think it's important to  
21 remember, though, a lot of times even though you've been  
22 involved in the process a lot of times, there are new  
23 people who have not. We -- we have to occasionally  
24 revisit things like CERCLA and Superfund to explain what  
25 they are and what we're trying to accomplish. And there

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1 might be some people who have been involved for a lon  
2 time, but it's very helpful for new people.  
3 MR. O'CONNELL: Well, it's true. We all  
4 started out in the community at the same spot because we  
5 have really had only one training. So it's not like  
6 we're ahead of anybody, so . . .  
7 MS. MORLEY: Can I keep these? All right.  
8 MR. O'CONNELL: I'd like to keep the disk  
9 maybe. That would be good.  
10 MS. MORLEY: All right. All right. Thank you,  
11 Marcus. I agree. With the amount of documents that we  
12 have, we probably should look at a training session, and  
13 I will take your suggestions. I think that's a good  
14 idea.  
15 So basically for next month, unless someone has  
16 something else to add to the agenda, we are going to  
17 have a presentation from the State on Chem. Fig.?  
18 MS. P. RYAN: Well, I'm not sure if I can  
19 arrange --  
20 MS. MORLEY: Okay.  
21 MS. P. RYAN: -- for the next one, but I will  
22 contact them --  
23 MS. MORLEY: Okay.  
24 MS. P. RYAN: -- and see what their response  
25 is, and perhaps can be scheduled in the near future.

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1 MS. MORLEY: And we are going to -- well  
2 the -- well, we'll decide about the CERCLA training.  
3 Maybe we're just going to do that all at one time, and  
4 that might be easier.

5 We are going to extend the time given for the  
6 committee reports and announcements so we'll have  
7 more --

8 MS. FREITAS: Can I interjection on that one  
9 too?

10 If everybody -- if you could kind of look at  
11 what interests you so that maybe we could make this a  
12 little bit easier; and if you would E-mail me and tell  
13 me if maybe a couple of you work on one of these  
14 together or if there's one in particular that somebody's  
15 really interested in, and they could do the  
16 documentation on this, or we want to meet as a group and  
17 do a couple of these, but -- so that we can actually get  
18 some documents out to the regulatory groups and not  
19 really inundate ourselves with all of these, it would be  
20 helpful.

21 So if you could give me some sort of a message  
22 in the next couple of days, and then we'll work on it.

23 MR. O'CONNELL: Okay.

24 MS. MORLEY: Did I miss anything for next  
25 month?

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1 MR. O'CONNELL: I think we need to have mor  
2 about the baseline survey. We have three things,  
3 essentially. That is Joint Study Committee. We have  
4 these courts deal that's going on right now. We have  
5 the Coast Guard taking over the house.

6 Each one of those involve separate, my  
7 understanding, environmental baseline survey. We don't  
8 even know what environmental -- Most of us don't even  
9 know what an environmental study is comprised of. We  
10 don't know what the federal guidelines are comprised of.

11 By the same token, I think -- and we also are  
12 hearing here that we are not supposed to be involved.  
13 And I think the Navy should consult legal counsel on  
14 that, or else I'm going to privately consult legal  
15 counsel on it. I don't want to hear -- I'm tired of  
16 hearing it's my opinion; it's my opinion. Someone's  
17 personal opinion, and that's the law as far as it goes.  
18 We need something a little better than that.

19 We want to -- Often we want to look into  
20 things, but people are uncomfortable with us. They say,  
21 well, it's my opinion. So when I go back and I actually  
22 read the text of the federal law, it says mine applies  
23 there.

24 MS. MORLEY: I don't think we are saying that.  
25 What I think we're s- -- What I'm saying right -- is:

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1 Right now the -- and the joint use does not involve an  
2 IR sites. And this RAB who's first priority is to work  
3 on IR sites.

4 I'm more concerned that those -- the things  
5 that we need to work on are going to get pushed aside  
6 through joint issue.

7 MR. O'CONNELL: Theresa, the joint use issue,  
8 9,000 -- the joint use -- remember, there's a  
9 distinction between the Joint Use Committee and the  
10 sports field. That's the City of Concord thing.

11 The joint use takes in 9,000 acres. And  
12 besides that, the entire weapons station is a Superfund  
13 site. It's not localized. It's the entire weapons  
14 station.

15 So to try to keep us out of things for us to be

16 in doesn't really hold water; and I think that we need a  
17 legal counsel's opinion on this.

18 MS. MORLEY: We'll look -- we'll look into  
19 that. So I'll put that in the next one.

20 Okay. Is that everybody else, then?

21 All right. Thank you.

22 MS. FREITAS: So we meet when?

23 MS. MORLEY: February 3rd.

24 MS. P. RYAN: Excuse me. Evelyn, it's really  
25 important that you provide written comments. I think

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1 it's really good when you meet as a group. But if yo  
2 can write things down -- even in bullets -- main ideas  
3 and main comments, that's meaningful. Keep us on track.

4 MR. RAMSEY: Want to mention where?

5 MS. MORLEY: Oh. Thank you, Phillip.

6 I'm sorry. The next meeting is going to be at  
7 the Willow Pass Recreation Center. It's not going to be  
8 here February. We will be sending you a map and the  
9 address. But just as a minor thank you, it's not going  
10 to be here. We'll rotate.

11 (Simultaneous colloquy off record.)

12 THE REPORTER: Are we adjourned?

13 MS. MORLEY: Meeting adjourned.

14 (Off record at 9:36 p.m., 1/6/03.)

15 ---o0o---

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#### CERTIFICATE OF REPORTE

I, CHRISTINE M. NICCOLI, Certified Shorthand  
Reporter of the State of California, do hereby certify  
that the foregoing meeting was reported by me  
stenographically to the best of my ability at the time  
and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CHRISTINE M. NICCOLI, C. S. R. NO. 4569

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